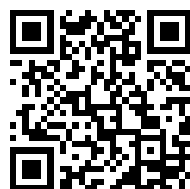


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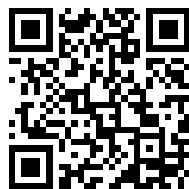


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# THE ENGLISH HISTORICAL REVIEW

EDITED BY

G. N. CLARK, M.A.

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# THE ENGLISH HISTORICAL REVIEW

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## *Marsiglio of Padua*<sup>1</sup>

### PART II. DOCTRINES

THE last contest between the papacy and the empire forms but a dull epilogue to the earlier stages of the duel between the two rival theocracies, which had moulded the destinies of medieval Europe. If the ideals of the two powers had always tended towards unreality, they were now the pompous, elaborated shadows of their former selves. The empire 'in maner' had ceased with the death of Frederick II; the papacy had been defeated by Philip the Fair. And their quarrel, despite their claims, was in fact limited to local politics in Italy and Germany. Had not John XXII been at odds with the Visconti of Milan and their allies, he might have hesitated less over the recognition of Lewis IV as king of the Romans, and Lewis seems to take up the challenge merely as a move in the game to obtain an uncontested crown. The men, too, are meaner than their predecessors. For all his strength of will and legal shrewdness, John XXII is without the loftiness of view and autocratic statesmanship of former

<sup>1</sup> The present paper contains some of the results of studies undertaken for an edition of Marsiglio's *Defensor Pacis* which I am preparing. Some of the biographical details have been omitted, as they are to be found in Mr. C. K. Brampton's article (*ante*, xxxvii. 501) which is to be read together with this. On certain important passages the readings of the manuscripts throw a new light. I hope to give a classification of the manuscripts and their relation to the *editio princeps* of 1521 in a further paper. A facsimile of the first *Dictio* in the *editio princeps* has been published by A. Cartellieri, Leipzig, 1913. The second and third *Dictiones* are most accessible in M. Goldast, *Monarchia S. Romani Imperii*, vol. ii, Frankfurt, 1614. The last chapter of the third *Dictio*, lacking in the *editio princeps*, has been published by K. Müller in *Göttingische Gelehrte Anzeigen*, 1883, part 4, pp. 922 ff. A good selection from Goldast's text has been published by R. Scholz, *Marsilius von Padua, Defensor Pacis in Quellensammlung zur deutschen Geschichte*, Leipzig, 1914. The best modern abstracts of the argument are in S. Riezler, *Die literarischen Widersacher der Päpste zur Zeit Ludwigs des Baiers*, Leipzig, 1874, and in Coole, *Illustrations of Medieval Thought and Learning*.

popes, while Lewis, vacillating and rash, is in even greater contrast to the Hohenstaufen emperors.

It seems therefore singular that this final bout of decrepit adversaries should produce some of the most remarkable expositions of their rival claims, in which the ultimate positions reached by each party were stated in their most uncompromising form. Augustinus Triumphus and Alvarius Pelagius furnish stock passages in exaltation of the powers of the popes; Marsiglio of Padua, the subject of this paper, is the greatest champion of the rights of the lay state. But Marsiglio does not, like Augustinus Triumphus, present us with the completed structure of a theory long dominant. His advent, if more surprising, is more fitting to the last scenes of the struggle that began with Hildebrand; for he is the prophet of succeeding times, the promulgator of new theories which have only received a general acquiescence since the French Revolution. At the close of one tragedy he tells us the plot, almost the *dénouement* of its sequel. He is the most modern of medieval thinkers, and if the thoughts and circumstances of his time are strewn thick in his work, they hardly encumber the prescience or the agile originality of his reasoning. Like the unfinished statues of Michelangelo, the state he conceives withdraws itself alive from the marble, and seems rather cloaked than shaped by the mass of medieval speculation from which it is hewn.

Although the later life of Marsiglio is linked indissolubly with the fortunes of Lewis of Bavaria, his earlier career seems to have been passed under quite other influences, and it is to them that we must look for the external inspiration of at least much of his teaching. Marsiglio's native town was Padua, then both a prosperous trading city, the seat of a famous university, and a free commune. When she was freed from the tyranny of Ezzelin da Romano in 1256 Padua was able to restore her republican government, which did not differ in its main features from those of other free Italian communes. In spite of Ezzelin and the excesses of the crusading forces which had delivered her from him, her trade and power rapidly revived. She became the natural protector and in practice the suzerain of smaller free cities of Guelfic propensities in the 'Joyous' Veronese March, cities which dreaded the dominion of the Ghibelline tyrant of Verona, Alberto della Scala. Vicenza, indeed, became her subject until a successful revolt was brought about on Henry VII's entry in Lombardy in 1311. In this period of prosperity Padua's university was revived and rose in status. In 1260 and succeeding years she gave its members exceptional privileges in her laws;<sup>1</sup> in 1296

<sup>1</sup> See Rashdall, *Universities of Europe in the Middle Ages*, II. i. '5, and Denifle, *Die*

she even began to pay salaries to the professors.<sup>1</sup> The concourse of students, more especially from the north-east, who frequented the university, brought Padua into the main currents of European thought.

The city, however, was not without its peculiar troubles. In no Italian town was the immunity of the clergy a more bitter grievance than at Padua. The points in dispute were partly financial. The clergy declined not only to be taxed with other citizens, but also to pay their quota as landowners for the repairs of the all-important dikes and bridges; and their privilege was claimed also by the lay orders, such as the *Frati Gaudenti*, which naturally therefore thrived in Padua.<sup>2</sup> Nor did these clergy and pseudo-clergy make amends by their lives. The 'wicked habits of the Paduan priests'<sup>3</sup> were notorious, and the odium in which they lived on that account was shared by the monastic and lay orders and by all clerics. The members of the university cannot have escaped their portion. Rigorous measures were taken by the commune. After long recalcitrance of the clerics to the financial claims of the city, it was made in 1276 nearly impossible for clerics to prosecute a claim against a layman;<sup>4</sup> in 1282, moved by the 'many and enormous crimes committed by clerks and unpunished by the bishop', the fine for killing a cleric was reduced to one Venetian groat (*denaro grosso*), and so the murder of an ecclesiastic could be committed with real impunity.<sup>5</sup> It was not unlike the general outlawry of the English clergy by Edward I. Such laws were naturally replied to by interdict and excommunication; but the commune was resolute, and it was only in 1289, after long negotiations, that it yielded.<sup>6</sup> A fire that desolated a quarter of the city was considered a punishment from Heaven. The city submitted indeed only in part and in return for papal concessions, and even so its spirit soon revived under provocation. In 1299 the exemptions of the lay orders were further limited, and the ecclesiastical courts were prevented from infringing the

*Entstehung der Universitäten des Mittelalters*, i. 285 ff., and especially the text of the Statutes, *ibid.*, pp. 800-6.

<sup>1</sup> See G. Gennari, *Annali della città di Padova*, part iii, p. 78.

<sup>2</sup> See [A. Gloria] *Controversie fra il clero e il comune di Padova del secolo XIII, e relativo accordo* (per le nozze Zacco-Prina), Padua, 1855; Gennari, part iii, p. 36; D. M. Federici, *Istoria dei Frati Gaudenti*, i. i. 150 ff.; Gloria, *Statuti . . . di Padova*, p. 147.

<sup>3</sup> Gennari, p. 38; Gloria, *Statuti*, pp. 145, 267 (1274, 1270).

<sup>4</sup> Gloria, *Controversie*, p. 11; Gennari, p. 22; Gloria, *Statuti*, p. 164.

<sup>5</sup> *Liber Regiminum Paduæ* (Muratori, *Rer. Ital. Script.*, new ed., Città di Castello, 1903, Rolandinus Patavinus, p. 336): 'Et multi presbiteri, clerici et religiosi fuerunt occisi in Padua . . . quoniam tunc fuerat per commune Paduæ stabilitum . . . ut pro homicidio commisso in personam alicuius ecclesiasticæ personæ condemnari debeat homicida solummodo in uno denario veneto grosso, quod statutum factum fuerat propter multa et enormia scelera, quæ committebantur per clericos, de quibus nulla fiebat iustitia per episcopum paduanum.'

<sup>6</sup> See the accord in Gloria, *Controversie*, pp. 13-23.

civil rights of Paduan subjects.<sup>1</sup> It was the inquisition, a court not subject to the city-government, that was here specially aimed at, and in 1302 it was still a source of trouble, and the pope, Boniface VIII, consented to replace the Franciscans in this office by the Dominicans.<sup>2</sup> Thus Padua appears as an early champion of the rights of the laity against ecclesiastical jurisdiction.

It was in this cleric- or rather immunity-hating city that Marsiglio de' Mainardini, the son of the notary to the university, Bonmatteo, was born somewhere about 1270. Whatever may have been his earlier studies and opinions, it was no doubt after he came to Paris, then the centre of western learning, that he shaped his peculiar system under the influence of the defenders of Philip the Fair in his controversy with Pope Boniface. Some of his views were perhaps affected by those of John of Paris. Ockham has been claimed, but seemingly without sufficient ground, as another inspirer, but at any rate Marsiglio was in touch sooner or later with the Spiritual Franciscans.

At this time Marsiglio was certainly not in disgrace with the papal court at Avignon, yet we cannot imagine that the *Defensor Pacis* expounds new or hasty convictions. He must have been privately forming his views long before its composition. We only know by name, however, and his accusers only knew, of one confidant, John of Jandun. When exactly Marsiglio first planned the scheme of his *Defensor Pacis*, we cannot well tell. It evidently represents the thought of many years. But it seems probable that it was the excommunication of Lewis IV by Pope John in March 1324 that finally hastened its composition in partnership with John of Jandun. According to the credible assertion of one manuscript, the book was finished on 24 June 1324, and it is said that its existence became generally known after two months. Almost immediately, the two accomplices took flight to Germany, but they are said to have left behind them a French translation, and probably, I think, a Latin copy of their dangerous work.<sup>3</sup>

It may have been a little time before the two joined Lewis's court at Nuremberg, but once there they leagued with the chiefs of the Spiritual Franciscans, and Marsiglio at any rate gained a leading place among the counsellors of Lewis, whose court physician he became. In 1327 he accompanied Lewis on his *Römerzug*. His influence was clearly seen in the unprecedented Roman proceedings of 1328. An assembly of the Roman people

<sup>1</sup> Gennari, pp. 83-4. The *podestà* was bound to put a stop to any injuries inflicted by such courts on Paduan citizens, until the sentence was confirmed by the council of the commune. Cf. Gloria, *Statuti*, p. 158 (statute of 1258).

<sup>2</sup> See Gennari, pp. 93-4. The Franciscans were convicted of malversation.

<sup>3</sup> I hope later to adduce the evidence for this.

declared the king of the Romans emperor, and after the unction it was the layman Sciarra Colonna who placed the imperial crown on his head. Marsiglio himself usurped the office of papal vicar. The history cannot here be told at length, but the Roman assembly was induced to depose John XXII as a heretic for his denial of the doctrine of the poverty of Christ, and to elect a Spiritual Franciscan, Peter of Corbara, as Pope Nicholas V. Marsiglio received his reward in the archbishopric of Milan, an office on which he never entered. He had shown something of a doctrinaire's willingness to persecute at Rome, but his adversaries were not sparing to him. By Pope John his doctrines were naturally condemned, his benefices taken away, and he himself, with John of Jandun, excommunicated.

John of Jandun died in 1328, but Marsiglio survived many years to enjoy Lewis's protection after the fiasco of the *Römerzug*. Whatever feebleness lies to the charge of the vacillating prince, whatever humiliation he was willing to undergo, it remains to his honour that he continuously evaded all demands to surrender the heretic he was so willing to disavow. Marsiglio remained his physician, and was once more of use to him when the emperor divorced the heiress of the Tyrol from her husband by his own authority in order to secure her inheritance for his son. Marsiglio wrote in 1342 a tract defending the divorce, and soon expanded it into the summary of his views, the *Defensor Minor*.<sup>1</sup> It was his last work; by April 1343 he was dead, unreconciled and excommunicate.

That Marsiglio's monumental work, the *Defensor Pacis*, was called forth immediately by the dispute of Lewis the Bavarian with John XXII no one would deny, and to this extent it is a political pamphlet of unwonted dimensions. But this is its more superficial aspect. In some degree it is an inquiry into the facts of primitive Christianity, the structure of the primitive church. Most essentially it is a treatise on political science, on the growth, the structure, and the best government of the civilized state. In his own day Marsiglio saw the worst disturbing factor to the peace and good government in the immunity of the clergy and in the paramount claims of the Roman see to spiritual and political autocracy over Christendom. Hence he devotes the greater part of his work to proving that those claims have no ground in Scripture, and not being imposed by revelation should be abolished as almost heretical inventions incompatible with the well-being of the state. For the state, he says in effect, cannot attain its well-being without concord and peace. To those causes of discord and war enumerated by Aristotle there has now been added one singular and undetected cause, 'under which the

<sup>1</sup> This has now been edited by Mr. C. K. Brampton (Birmingham, 1922).

Roman Empire has long laboured . . . which is violently contagious and no less ready to creep into all other civil societies and realms'.<sup>1</sup> This evil is the 'wrong opinion and perchance perverse desire of governing' of the papacy 'which has long vexed the kingdom of Italy, and has withheld it . . . from its quiet or peace, to wit, by preventing with all its might the promotion or institution of a Roman emperor and his activity in the said Empire'.<sup>2</sup> Thus with quarrels unappeased and unjudged, there results 'the division of the citizens and at last the dissolution of the Italian polities or civil societies'.<sup>3</sup> Nor is the evil merely one of the absence of an effective emperor, which, after all, was an old grievance of the Ghibellines. There are ecclesiastical exemptions and ecclesiastical law.

Seeking (against the command or counsel of Christ and the Apostles) the dignities of secular men, (the popes) have broken forth in legislation separate from that of the citizen-body, and have decreed all the clergy exempt from secular law, thus inducing schism in the state and a plurality of sovereign governments within it, under which human peace is impossible. . . . This is the root and origin of the plague from which the Italian kingdom suffers.<sup>4</sup>

In the fervour of his convictions Marsiglio feels he is proclaiming the true path for rulers, a cure for the ills of the age and of society.

'The government (of a state) whether a monarch or a committee,' he says, 'through the human and divine truths written in this book, will understand that only to itself belongs the authority to issue commands to the subject population, both to the whole and to individuals, and to restrain, if need be, each person according to the established laws, and to do nothing unauthorized by them, especially of importance, without the consent of the subject population or lawgiver, and that the population or

<sup>1</sup> *Def. Pacis*, dict. i, cap. i, part 3 (Cartellieri, p. 2): 'Est tamen extra illas una quaedam singularis et occulta ualde, qua Romanum imperium dudum laborauit, laboratque continuo, uehementer contagiosa, nil minus et prona serpere in reliquis omnes ciuitates et regna.'

<sup>2</sup> *Ibid.* dict. i, cap. xix, part 12 (Cartellieri, p. 78): 'Hæc itaque Romanorum quorundam episcoporum extimatio (*ed. prin.* existimatio) non recta et peruersa fortasse affectio principatus . . . infesta sui actione dudum uexauit Italicum regnum, et a sua tranquillitate seu pace prohibuit prohibetque continuo, principantis (scilicet imperatoris Romani) promotionem seu institutionem ipsiusque actionem in dicto imperio suo toto conamine prohibendo.'

<sup>3</sup> *Ibid.*: 'Iniuriæ ac contentiones eueniunt facile; quæ, regula iustitiæ siue legis non mensuratæ propter mensurantis absentiam, pugnas causant, unde ciuium separationes demumque Italicarum politiarum seu ciuitatum solutiones contigerunt.'

<sup>4</sup> *Ibid.* dict. ii, cap. xxiii, part 11 (Goldast, ii. 271): 'Quibus etiam non contenti, sed sæcularium (contra Christi et apostolorum præceptum aut consilium) petentes fastigia in legumlationes, seorsum ab iis quæ ciuium uniuersitatis, prurperunt, omnem clerum ab hiis decernentes exemptum, ciuile schisma et principatum supremorum pluralitatem inducentes ex ipsis, quam uelut impossibilem humanæ quieti, certam huius experientiam inducentes, demonstrauius xviij primæ. Hæc enim pestilentia Italici regni radix est et origo' etc.

lawgiver must not be provoked by injury, inasmuch as in its express will consists the vigour and authority of the government.' <sup>1</sup>

I have hurried to the close of Marsiglio's argument in order to show the mainspring and the thesis of his book. It is now necessary to give some sketch of the process by which he reaches his conclusion. The *Defensor Pacis* is divided into three *Dictiones* or books, of which the third is merely a summary of his results. The first *Dictio* deals mainly in pure political science, the question of how the political community should be organized and governed if it is to fulfil its mission of securing τὸ εὖ ζῆν, 'vita sufficiens', for civilized humanity. Here Marsiglio is the discerning and independent pupil of Aristotle, quotations from whom in the queer Latin versions follow thick and fast. It has been conjectured with much plausibility that they were largely provided by John of Jandun. The second *Dictio* is an attack on the powers and claims of the clergy, and more especially of their chief, the papacy; these claims are disproved from Scripture, and briefly shown to be incompatible with the existence of the well-ordered state as described by reason and experience in the first *Dictio*. For the purpose of this paper it will be sufficient to give a description of some of Marsiglio's leading tenets, much in the order in which he introduces them.

On the growth of the state Marsiglio closely follows Aristotle. The state grows naturally through imperfect stages to the perfect. The family and the village have been outgrown by the mere increase of population, and, further, man is naturally constituted to live in civil societies by which alone the 'vita sufficiens' can be gained. An illustration or so from the Bible shows, however, Marsiglio's desire to prove the theory by human experience. ✓

The state, however, is a complex community in which very diverse duties have to be performed and needs satisfied. Thus we have the six Aristotelian parts or professions of the state, agriculturists, artificers, soldiers, merchants, priests, and judges or rulers. Priests, even in pagan times, were necessary to encourage moral goodness among men by supramundane sanctions. The fate of Tantalus was a good practical asset for a political moralist. These heathen priesthoods are now replaced by the divinely ordained Christian priesthood, which also differs from them by being truly concerned with the destiny of men in the next world as well as in this.

<sup>1</sup> *Ibid.* dict. iii, cap. iii (from Magdalen College, Oxford, MS. f. 168): 'Primus namque civis vel civilis regiminis pars, principans scilicet, sit [MS. *sive*] unus vel plures, comprehendet per eas quae in hoc libro scriptae sunt humanae veritates atque diuinae, soli sibi convenire auctoritatem praecipendi subiectae multitudini communiter aut diuisim, et unumquemque arcere, si expediat, secundum positas leges, et nil praeter has, arduum praesertim, agere absque multitudinis subiectae seu legislatoris consensu; nec iniuria prouocandam esse multitudinem seu legislatorem, quoniam in ipsius expressa uoluntate consistit uirtus et auctoritas principatus.'

It is characteristic of Marsiglio's pronounced opinions and of his independence of thought that Aristotle's definitions of the kinds of good or bad states are otiose in his treatise save as an illustration of the growth of society. He becomes himself when he defines law as a coercive command regulating the actions of the members of a state. Neither men nor rulers are good and wise enough to act in particular cases without such rules laid down beforehand. But what is the valid source of the law? As in Aristotle, the 'lawgiver' is 'the people or totality of the citizens, or its more weighty part (*pars valentior*), acting by means of its choice or will expressed in words in the general assembly of the citizens'.<sup>1</sup> And that *pars*, he proceeds to tell us in a long, imperfect, and therefore misunderstood passage, is more weighty (*valentior*) 'by the number of persons in it and by their quality'.<sup>2</sup> It is not the mere counting of heads therefore, but the estimation what the heads were worth, that Marsiglio recommends for his well-ordered state. He gives what are, now at least, well-worn reasons for his democratic view. The whole is greater than its part, and less corruptible; what touches all should be approved by all; men obey more readily what they themselves decree; and so forth. That the mass of men cannot invent laws is true. Therefore a representative commission should be elected to draft the law, which should then be amended, if necessary, and made a coercive command by the lawgiver, that is, the citizen-assembly.<sup>3</sup> So much does this doctrine govern Marsiglio's thoughts that henceforth for him the 'human lawgiver' and the general assembly of the citizens are synonymous terms.

But the law is enforced and applied by the government (*pars principans*). What should the government be, and how should it be appointed? Obviously, the government should be appointed by the 'lawgiver', from whom its authority is derived and by whose laws it is defined. It is merely the executive instrument of the lawgiver. Its powers are and must be large, but as far as possible the law should foresee and prescribe their exercise. The force necessary to compel obedience should belong to the office, not to its holder. Otherwise there is risk of civil war and tyranny. If the government consists of one man, that is, if it is a monarchy, it is better that there should be a fresh direct election at each vacancy, whether the monarch's tenure be for life or a set term.

<sup>1</sup> *Def. Pacis*, dict. i, cap. xii, part 3 (Cartellieri, p. 36): 'Nos autem dicamus secundum ueritatem atque consilium Aristotelis, III. Politicæ, capº vi, legislatorem seu causam legis effectiuam primam et propriam esse populum seu ciuium uniuersitatem, aut eius ualentiorẽ partem, per suam electionem seu uoluntatem in generali ciuium congregatione per sermonem expressam.'

<sup>2</sup> *Ibid.*: 'Ualentiorẽ inquam partem considerata quantitate *personarum et qualitate* in communitate illa super quam lex fertur.' The words in italics are omitted in the *editio princeps* and the reprints, but occur in all the manuscripts I have yet consulted, including the two best.

<sup>3</sup> *Ibid.* dict. i, cap. xiii, part 8 (Cartellieri, p. 44).

The arguments in favour of the lawgiver's electing a monarch with succession to his descendants are formally disputed. But the government may just as well be a committee or board, so long as its authority is collective only. What must be avoided at all costs is a plurality of governments or of state authorities that are not subordinated to one supreme executive.<sup>1</sup> This destroys the unity of the state and produces anarchy. Here we come to the keystone of Marsiglio's political argument, on which he harps again and again in reference to the clergy.<sup>2</sup> They have no divine commission for their exemption and their power; and reason and experience show any such independence and power to be a mortal poison to the state's well-being and to the state itself.<sup>3</sup>

One more point with regard to the government remains to be noticed. What if it breaks the law or otherwise offends against the state? Marsiglio replies that if the offence is light it may be passed over; if it is grave, the governor should be suspended from office and tried by a suitable body appointed for the purpose. The possible offences and procedure should be determined by the law in anticipation.

It will be noticed how small a part the Holy Roman Empire and the Ghibelline theory play in all this system of Marsiglio. Though he starts from the same point as Dante, peace for mankind, the secular theocracy appointed to guide Christendom by divine ordinance makes no appearance in his book. Marsiglio coolly dismisses the concept of a universal monarchy as not german to his subject,<sup>4</sup> which is the exclusive governing powers of the secular state; and he more than hints that nations with separate languages should form separate states, and even contemplates wars between them as a wise provision of nature. Internal peace is what he aims at.

Having thus sketched the ideal, or rather the *sine qua non*, of the civilized state, and declared that the powers of popes and clergy are the chief bar to its attainment, Marsiglio proceeds to inquire if those powers of ecclesiastics are really divinely ordained

<sup>1</sup> *Ibid.* dict. i, cap. xvii, parts 3-9 (Cartellieri, pp. 65-8). The importance of this argument for Marsiglio's theory and the stress he laid upon it has escaped the notice of Riezler and others. It may be noted that this unification of the state (not of Christendom), by the assertion of one supreme authority within it, was a characteristic of Marsiglio's day, e.g. Sicily under Frederick II, England under Edward I, France under Philip the Fair. The same effort to obtain one central supreme authority may be seen in the Italian communes, whether it is a board like the Florentine priors or a single man like a Lombard tyrant.

<sup>2</sup> e.g. the passage quoted on p. 6, n. 4.

<sup>3</sup> *Ibid.* dict. i, cap. xvii, part 9 (Cartellieri, p. 68): 'Cum dictis autem rationibus est hoc uideri, uerum expediens et necessarium experientia cunctis sensata. Quoniam in quo loco seu prouincia uel hominum congregatione principatus, quomodo diximus, defecerit unitas, haec impossibile uidetur esse bene disponi.'

<sup>4</sup> *Ibid.* dict. i, cap. xvii, part 10 (Cartellieri, p. 68): 'rationabilem habet perscrutationem, aliam tamen ab intentione praesenti.'

and not theirs by usurpation. He is a genuine, if perhaps hardly a devout, Christian, and it is all-important for him to show that the Christian revelation contains nothing that upsets the results of natural reasoning and the investigation of human experience, but rather that it upholds or at least implies the same results. He gives what seems, although it carefully avoids making them appear attractive, to be quite a fair summary of the arguments used by the papalists of his day. He mentions the keys and power to loose and bind given to St. Peter, the omnipotence of Christ, whose vicar St. Peter was, the Gadarene swine and the ass and her colt, which showed that Christ intended his power over temporal things to be used, the famous two swords, and the claims expressed by St. Paul over secular matters. Then there are the general arguments drawn from the superiority of the spiritual over the temporal, and the consequent superiority of the spiritual judge, the pope, over the temporal judge, emperor or king.

Marsiglio's method of meeting these arguments is in essence very simple. He makes no question that Christ had the power to grant all this authority to the popes. But did He grant it? The problem is only to be solved by seeing exactly what Christ said and did, and in finding out the literal meaning of those sayings and actions.<sup>1</sup> No allegorical meaning can be admitted which runs counter to the literal or even is merely otiose if the literal meaning is possible. The conduct and sayings of the Apostles are to be similarly investigated. The interpretations of the acknowledged doctors of the church, like St. Augustine, are to be seriously considered and generally accepted, but if they contradict the plain sense of the New Testament they are to be respectfully rejected: 'reuerenter abiciam.'<sup>2</sup> Nor is Marsiglio's argument merely negative. From the New Testament and from the practice of the early church he intends to build up the true system of Christianity. Where the sense of Scripture is really in doubt he

<sup>1</sup> *Def. Pacis*, dict. ii, cap. iv, part 2 (Goldast, ii, p. 195): 'Sed uolumus et debemus inquirere quam potestatem et auctoritatem exercendam in hoc saeculo Christus eisdem [i.e. apostolis et ipsorum successoribus] conferre uoluerit et de facto contulerit, et a qua ipsos exclusit et prohibuit consilio uel praecepto. Eos enim talem potestatem et auctoritatem habuisse a Christo tenemur credere qualem per uerba Scripturae sibi traditam conuincere possumus, non aliam. Certum enim est omnibus Christi fidelibus quod Christus, qui uerus Deus et uerus homo fuit, conferre potuit nedum apostolis, uerum etiam quibuscumque aliis auctoritatem seu iurisdictionem coactiuam in hoc saeculo supra omnes mundi principes seu principatus et singulares personas alias omnes.' And see the next note.

<sup>2</sup> *Ibid.* dict. ii, cap. xxviii, part 1 (Goldast, ii, p. 291 [misprinted 168]): 'Propter quod auctoritates Canonis Sacri siue Scripturae, quae mystica expositione non egent, secundum ipsarum sensum literalem manifestum sequemur omnino; in quibus uero mystica expositione indigent, sanctorum probabiliori adhaerebo sententiae. Quas uero ipsorum auctoritate propria praeter Scripturam protulerunt sententias Scripturae siue Canonis consonas recipiam; quas uero dissonas, reuerenter abiciam, non tamen aliter quam auctoritate Scripturae, cui semper innitit.'

admits doctrine can be formulated by a general council, but, as we shall see, he is exacting in his criterion of the validity of a general council and only the earliest seem to pass his tests. Marsiglio makes his position and his arguments clearer by a number of definitions of the meaning of important words, and numbers their various senses for reference. He evidently, like a true schoolman, dreads and is determined to defeat that method of controversy or deduction which slips unnoticed and unnoticed from one sense or shade of meaning of a word to another; and he dreads it for his own thesis no less than for others. He is determined that no link in the chain of his argument shall be illusory. Thus the meanings of the word 'Church' are defined, and it is claimed that in the New Testament the most usual and proper sense is the whole body of Christians in the world or in a certain district. 'Spiritual' comes under similar treatment, and in its correct sense is rigorously barred from all application to temporal matters. Two chief senses of 'judge' are noted: one is that of an expert, who is a 'judge' of his subject, the other that of the authorized judicial officer who enforces his decision by a coercive command.

Only the briefest account need here be given of Marsiglio's results. He decides that our Lord expressly disclaimed all secular dominion, and even personal property, that He submitted to the jurisdiction of the civil magistrate and the civil state, and that He commanded His Apostles to do the same. St. Peter received no special commission as vicar of Christ: he was the equal of the other Apostles. The election of church officials and the decision on points of doubt belonged in apostolic times to the general body of believers. St. Paul, but only in later times, had been misunderstood as claiming coercive authority, and disregarded when he disclaimed it or urged submission to the civil state. It was doubtful whether St. Peter was bishop of Rome, and if he was so he succeeded St. Paul; the popes were in no special sense his successors or St. Paul's; and in any case, since St. Peter was not vicar of Christ, he transmitted no vicariate to any one. Similarly, the episcopate itself possessed from Scripture no special powers beyond the ordinary priest. The only scriptural orders were the priesthood and diaconate. Bishops were merely a man-made and very useful institution. As to the government of the whole church, the decision on doubtful doctrines, the determination of ritual, that belonged solely to a general council. All Christendom must be represented therein, East as well as West, laity as well as clergy, by their duly elected proctors. It must be called together by the human lawgiver or its executive under its authority. For only lawgiver and government have the coercive power to assemble the council and enforce its decrees. Marsiglio

does indeed admit the value of the papacy as a centre for Christendom. The pope, for instance, can advise the calling of a general council, preside in it, prepare and make minutes of its business; but nothing beyond the advisory authority of a chief expert is his.

On the subject of church endowments Marsiglio speaks at length. Like the Spiritual Franciscans, he holds that the state of perfection adopted and commanded by Christ and the Apostles included the complete renunciation of property and complete voluntary personal and corporate poverty. He takes the extreme view. All clergy as well as regulars are bound by this vow of perfection. The very food in the mouth of a *perfectus* is not his own but the giver's until it is consumed. This leads to far-reaching conclusions. The clergy are only entitled to a bare maintenance from the property which has been given for them and the poor. The ownership still belongs to the lawgiver or the private donor, and the surplus of the income, after its pious purpose has been served, can at their discretion be used for other objects. From a passage hitherto corrupt we may gather that if the property is altogether confiscated to other uses a sin is committed by the confiscator.<sup>1</sup>

What then are the prerogatives of spiritual persons and spiritual things, and how can the subjection and powerlessness of the clergy be reconciled with the superiority of spiritual over temporal? Superiority in one function, says Marsiglio, in effect, does not imply coercive rule over the rest. The lawgiver and the lawgiver's instrument, the government in fact, rule the Christian priesthood as they did the heathen, like any other part of the state, with a view to temporal well-being. Virtue and sin are rewarded and punished by Christ in the next world. In this spiritual sphere the secular state has really no standing; and spiritual persons, *qua* spiritual, are experts only, not coercive judges. They cannot take Christ's place or bind His action in the next world. They can warn, exhort, denounce, give authoritative, but not infallible, opinions. Marsiglio grants the priesthood the dispensing of the sacraments of the Eucharist and of penance; but here they are the human implements in the miracles worked by God, and in questions of penance and absolution they are obviously fallible. Not they, but God, forgives, who knows the

<sup>1</sup> *Def. Pacis*, dict. ii, cap. xiv, part 8 (Goldast, ii, p. 233): 'Nec [Goldast, *Hoc*] tamen est opinandum, quod huiusmodi patroni, quos dominos uendicandi talia diximus, habeant potestatem alienandi ea uel ad usus alios conuertendi, quin [Goldast, *quoniam*] peccarent in legem diuinam saltem, et in humanam fortasse, quoniam eis non est ad hoc concessum dominium, sed solummodo prohibendi et uendicandi coram iudice coactiuo ab auferentibus aut auferre uel aliter [Goldast, *aliquid*] contractare uolentibus.' The readings I give are supported by the best and the majority of the manuscripts. It is obvious how they change the sense of the passage.

heart of the sinner. And as they have no secular jurisdiction, and coercive spiritual jurisdiction is only exercised by Christ in the future life, the penance they prescribe is most weighty advice and no more.<sup>1</sup>

The same view holds good of heresy. As a sin it can only be punished by Christ in the next world.<sup>2</sup> As a civil offence only the lawgiver can forbid it by law in this world and prescribe its trial and punishment, say by banishment, by the executive government on the advice of the clerical experts. But this banishment is a coercive secular penalty to be inflicted by secular officers for the breach of a secular law.<sup>3</sup> Even on the question whether such a secular law, though legally valid, is morally right, Marsiglio has doubts; 'si liceat hoc fieri', he says incidentally.<sup>4</sup> In any case it is passed really for the well-being of the state, not for the salvation of sinners.<sup>5</sup>

The marvellous modernity of Marsiglio's thought has often been emphasized. Historical criticism, scientific induction, here make perhaps their first consecutive and self-conscious reappearance in this sphere of thought, not as occasional chance stragglers, but as prevailing rules. Even his submission to the authority of Aristotle is not absolute or blind, and it must be remembered that Aristotle argues from instances, to rehearse which would have been futile. When Marsiglio thinks he has more recent or scriptural facts which throw fresh light on his thesis, he brings them up, and where his more abstract arguments lead him counter to Aristotle

<sup>1</sup> *Ibid.* dict. ii, cap. ix, part 7 (Goldast, ii, p. 214): 'Nemo cogi praecipitur in hoc saeculo poena uel supplicio ad legis euangelicae praecepta seruanda, per sacerdotem praecipue, nedum fidelis, uerum etiam nec infidelis; propter quod huius legis ministri, episcopi seu presbyteri, nec quemquam iudicare possunt *aut debent* [in MSS.; Goldast omits] in hoc saeculo (tertia significationis iudicio), nec quemquam *inuitum compellere poena uel supplicio quoquam* [in MSS.; Goldast omits] ad praeceptorum diuinae legis obseruationem, praesertim absque humani legislatoris auctoritate.'

<sup>2</sup> *Ibid.* dict. ii, cap. x, part 2 (Goldast, ii, p. 217): 'Hic autem iudex Christus est qui iudicaturus est uiuos et iam mortuos et morituros, in futuro tamen saeculo, non in isto.'

<sup>3</sup> *Ibid.* dict. ii, cap. x, part 3 (Goldast, ii, p. 217): 'Quod si humana lege prohibitum fuerit haereticum aut aliter infidelem in regione manere, qui talis in ipsa repertus fuerit, tanquam legis humanae transgressor poena uel supplicio huic transgressionis eadem lege statutis in hoc saeculo debet arceri, et per eum iudicem, quem legislatoris auctoritate humanae legis demonstrauius esse custodem xv<sup>o</sup> primae.' And cf. *ibid.* part 7 (Goldast, ii, p. 218): 'Sed peccans in legem diuinam, haereticus scilicet, tali peccato etiam humana lege prohibito, punitur *in hoc saeculo* [Magdalen MS.; Goldast and some manuscripts omit] in quantum peccans in legem humanam.'

<sup>4</sup> *Ibid.* dict. ii, cap. v, part 7 (Goldast, ii, p. 203): 'Nec tamen ex hiis dicere uolumus inconueniens esse coerceri haereticos aut aliter infideles, sed auctoritatem hanc, *si liceat hoc fieri* [in MSS.; Goldast omits], esse solius legislatoris humani.'

<sup>5</sup> See for the object of such laws *ibid.* dict. ii, cap. viii, part 7 (Goldast, ii, p. 212): 'Nunc autem legis transgressor materia est siue subiectum, in quod natus est et ordinatus agere iudex seu principans iustificationem propter aequalitatem siue proportionem faciendam ad pacem seu tranquillitatem et conuictum siue congregationem hominum conseruandam, demum propter humanae uitae sufficientiam.'

he keeps to his own view. We must not of course imagine that his notions of historical evidence are ours. He accepts his commonplace historical authorities *en bloc*. But where it is a matter of interpretation or opinion no authority save Scripture is so venerable as to command his assent.<sup>1</sup> He pits one against the other on occasion with relish, and makes his own decision.<sup>2</sup>

His defects as an author are obvious enough. The worst for his fame is an intolerable prolixity and love of repetition, faults which have half sunk so great a work in unmerited oblivion. He was not so rigorously exact a thinker as he pretends, and he shows the true light-hearted ease of the middle ages in arriving at the most fundamental propositions, thereafter to cavil interminably over lesser matters. He was not so learned as he might have been. The *Magister Sententiarum*, if not other manual-writers, is responsible for some of his quotations; but against this failing it is hardly just to cast a stone. He can twist his quotations, though not those from Scripture, from their context, and his aversion to the papalist doctors of the thirteenth century makes him once and again—but I speak doubtfully—try to discover the points on which he agreed with them in earlier writers where they were not really found. He chops logic again over the doctrine of poverty. These perhaps are his chief philosophic vices. His ardent hatred of the papacy and the curia at Avignon and the hierarchy of his day, his denunciation of the prevalent clerical corruption, are rather literary merits, for they raise him to eloquence and an almost prophetic fire.

The question arises whether he was only a prophet, or if he also really influenced the emergence of doctrines he foresaw. That his work continued to be read is clear from the continuous succession of manuscripts written and corrected in the fifteenth century. He was cited by Zabarella and used by Dietrich of Niehm in the controversy over the schism. Thomas Gascoyne possessed and annotated an intolerably careless copy.<sup>3</sup> And we may infer, though without perhaps direct proof, his influence in the theoretic belief in popular sovereignty to be found in later writers. Directly the Reformation had begun Marsiglio was appealed to for arguments against the papal claims; in 1522 the

<sup>1</sup> *Def. Pacis*, dict. ii, cap. xix, part 1 (Goldast, ii, p. 254): 'Nullam scripturam irrevocabiliter ueram credere uel fateri tenemur de necessitate salutis aeternae, nisi eas quae canonicae appellantur, uel eas quae ad has ex necessitate sequuntur.'

<sup>2</sup> *Ibid.*, dict. ii, cap. xxviii, part 1 (Goldast, ii, p. 291, misprinted 168): 'Quoniam et ipsi (sancti) quandoque circa Scripturam et praeter Scripturam sententiis adinuicem dissident, ut Hieronymus et Augustinus super illud II<sup>o</sup> ad Galatas . . . ; et rursum Ambrosius cum Hieronymo de uirginitate Iosephi; amplius et idem ipsi sibi sanctorum aliquis quandoque dissona profert.'

<sup>3</sup> British Museum, Royal MS., 10. A. 15. For these instances see Sullivan in *Amer. Hist. Review*, ii. 411 ff.

*editio princeps* of his work was printed at Basle. Henry VIII and Thomas Cromwell, it seems, saw its value, and in 1535 William Marshall published an inspired English translation, which indeed somewhat suffered from excisions in the places where Marsiglio's republicanism appears too clearly. Marsiglio was of course placed on the Index (1556), and refuted (1538) by Pighio 'as the best representative of the opposition to the ecclesiastical power'. New editions of the *Defensor Pacis*, including the well-known one in Goldast's *Monarchia*, were published at intervals up to 1692, but not very frequently, and almost all are extremely rare. The mere occurrence in Goldast, however, is enough to show that his work continued to be accessible. It makes, it is said, frequent appearance in the Bellarmine controversy at the beginning of the seventeenth century. Thus there is every possibility of his works, at least through indirect channels, exercising an appreciable influence on later political thought.

We naturally seek for some explanation of his singular modernity, which stands in such contrast to the dead political thinking of his own day; or at least we try to carry the inquiry a stage further back. Perhaps we may attribute it to Marsiglio's having a greater sense of reality than almost any of his contemporaries, to an instinct for induction from actual facts, not, in spite of all appearances, for deduction from axioms of the absolute. In this tendency he would be a harbinger of the Renaissance. As Dante drew character, but not theory, from real life, so Marsiglio sought for a basis for theory in the facts of history and experience, '*experientia cunctis sensata*'<sup>1</sup>. That he had small knowledge of the facts may be true. It is the method which tells. None the less, had we not his scriptural investigations and statements of procedure to give us the clue, it would be a risky task to prove this for his political theory, so much does the scholastic generalizing which excludes particular instances overlay this part of his work. He was, like Newton, arriving at his results by the fluxions he invented and proving them to the general public by the orthodox geometry they knew. But we can detect the source of his inspiration, for one thing, by his omissions. He holds firmly to man as he is, an imperfect creature after the Fall, who in the civil state invents machinery for definite, practical, attainable secular purposes, remote from, if compatible with, salvation. The unity of Christendom to be expressed in secular institutions for all the relations of life, the representation of Christ by emperor and pope, the beauty of a world ruled by one man of perfect instincts and intelligence, without ambition, met by no disobedience and thwarted by no apathy, all this he simply passes by.

<sup>1</sup> '*Rerum experientia magistra*', as he says elsewhere (dict. ii, cap. xxi, part 9, Goldast, ii, p. 261).

What interests him is to prevent the misuse of what power is placed in men's hands, and how it is most feasible to give office to the wise and virtuous and to encourage these qualities in them when invested. Is it rash to say that he is almost the one medieval writer who, in dealing with a finite human problem, avoids the temptation of 'travelling beyond the record' into a discussion of the universe? But this is not all. We should like to know how it is that he is so much more an understanding disciple of Aristotle than were his forerunners, and so daring in placing his own views by the side of those of the masters of his philosophy. No doubt he was helped by the previous labours of those forerunners he surpassed, but I venture to think that the chief asset he possessed was his upbringing at this critical time among those communes, which, as our text-books tell us, were the nearest spiritual relatives to the Greek city-states that Aristotle studied. With this clue to lead us, his political doctrines take the aspect of simplified generalizations from the actual working institutions of a commune. His lawgiver is merely the *arengo* or *parlamento* of an Italian city, which in his day still was the ultimate source of law and government, whatever superstructure of councils might be built upon it, and however much its actual employment was either a mere form or a weapon of revolution. His *pars valentior*, with its blending of the concepts of quality and numbers, is in principle in agreement with the different weight of sections of the population, such as the greater and lesser arts of Florence, in the city's government. Those gilds themselves, and the class of magnates, controlled, defined, and recognized by the state, fit in not unhandsomely with the 'parts of the State' he adopts from Aristotle. His *pars principans*, too, finds its best real embodiment in the executive government of a commune. The board of consuls, the monarchic yearly *podestà*, or the doge for life, the board of priors, even the tyrant, in the early stages of his development, all correspond with Marsiglio's supreme, but law-bound and non-sovereign, executive, the instrument of the population or lawgiver. The trial of the *pars principans* for misdeeds corresponds with the 'syndicate' on a *podestà* quitting office. Further, the method of framing and passing laws which he approves is that actually practised by the Italian communes in their statutes, which embodied, at least in theory, their permanent legislation as opposed to the temporary measures or 'Provisions'. A special commission, at Florence called the *arbitri*, elsewhere often the *emendatores*, would be elected at intervals to revise the whole statutes of the city and bring them up to date; and the new statutes would then be solemnly passed into law by the ordinary state councils. Thus, after the passing of the famous Ordinances of Justice in

<sup>1</sup> See p. 8.

1293, *arbitri* were appointed in December 1294 to revise the statutes in accordance with the new provisions, and the resulting code was accepted by the councils in January 1295. It was for these actual facts, it may be submitted, that Marsiglio was endeavouring to form a philosophy, just as the actual policy of his own city and other states towards the clergy led him to attempt to prove that clerical power and immunities were usurpations and corruptions of Christianity. It is most striking how the special grievances of Padua, the refusal of the clergy to be taxed and the claim of clerical immunities by the lay orders, are almost fiercely emphasized by Marsiglio in a passage where of course Padua is not mentioned by name :

In like manner (the popes) have made certain laymen, in Italy called *Frati Gaudenti*, but elsewhere *Béguins*, exempt from human civil laws duly enacted; and similarly, the Templars, Hospitallers, etc., and those of *Altopascio*. . . But if all such are exempt from the rulers' jurisdiction . . . it seems extremely probable that the majority of men would join them, especially since both literate and illiterate are eligible. . .

But if this were to happen

the rulers' jurisdiction and coercive power will become unnerved, and the number of those who bear the public burdens almost nil, which is a thing most grievously unfit, and corruptive to the State. For he who enjoys honours and civil benefits, such as peace and the protection of the human Lawgiver, ought not to be exempt from burdens and jurisdiction, save by the Lawgiver's consent.<sup>1</sup>

Thus in harmony with his scientific method Marsiglio's theory of the state had a firm basis in observed contemporary fact; and as the Italian communes in their precocious development foreshadow, with all their obsolete divergences, the problems of the modern world, so the simplified theory, with which they inspired Marsiglio, coincides in its main outlines with the conception of democracy now in vogue.

C. W. PREVITÉ-ORTON.

<sup>1</sup> *Def. Pacis*, dict. ii, cap. viii, part 9 (Goldast, ii, p. 212): 'Laicos quosdam, quos in Italia Fratres Gaudentes, alibi uero Beginos appellant, similiter ab humanis legibus ciuilibus ritel atis exemptos fecerunt; sic quoque Fratres Templariorum, Hospitaliorum et reliquos plures huiusmodi ordines; similiter et eos qui de Altopassu. . . Quod si omnes huiusmodi hoc ipso exempti sunt a principantium iurisdictione, . . . uerisimile ualde uidetur maiorem hominum multitudinem ad horum collegium declinare, praecepit cum ad hos tam literatos quam illiteratos indifferenter assumant. . . Maiori uero multitudine seu pluralitate ad clericorum collegium declinante, principantium iurisdictione et coactiua potestas inualida remanebit et onera publica supportare debentium numerus quasi nullus [in the MSS.; Goldast omits], quod est grauissimum inconueniens et politicae corruptiuum. Qui enim gaudet honoribus et ciuilibus commodis, ut pace ac tutela legislatoris humani, ab oneribus et iurisdictione non debet eximi absque determinatione legislatoris eiusdem.' I take the identification of 'qui de Altopassu' with the lay order of Altopascio from Professor Emerton, *The Defensor Pacis* of Marsiglio of Padua, p. 39, n. 1. Cf. also Ferrers Howell, *S. Bernardino of Siena*, p. 51.

## ADDITIONAL NOTE

In the foregoing I have used the word 'state' consistently for several words of Marsiglio. It was, as we have seen, not so much that he lacked the modern concept of the exclusive political association occupying a definite territory and supreme over all minor associations within it, but that the terminology he inherited was partly too precise in its connotations, and partly too vague for him to restrict himself wholly to any single term. The generic term he took from Aristotle was *ciuitas*,<sup>1</sup> but this still meant also and more frequently a 'city' as well as a 'state', and thus he expresses a 'state' larger than a city by the term *regnum*, and often for the sake of clearness uses both together, *ciuitas aut regnum*.<sup>2</sup> *Regnum* too, however, had the particular meaning of a monarchic state, and thus was not always a suitable term for a state larger than a city; so we find Marsiglio using still vaguer expressions, *ciuitas*, *ciuile regimen*, *communitas*, *hominum congregatio*, and *politia* (of which he might have made more use). In the second *Dictio*, where he is concerned with the relations of the civil and ecclesiastical powers in general, he usually speaks of the *legislator humanus* and the *pars principans* without further defining the territory or polity over which they bear sway. But a double difficulty confronts him over the treatment of heretics, excommunication, and a general council, which involve Christendom as a whole. On the one hand the smaller, all but autonomous states of Western Europe formed parts of larger realms, such as the empire and France. This half-autonomous position Marsiglio partly admits by speaking, in the case of heretics, of the *regio* concerned (see *supra*, p. 13, n. 3), and partly limits, in the case of excommunication, by reserving the rights of the 'superior' of the local community, as well as of a general council.<sup>3</sup> On the other hand, the summoning of a general council concerned all Christendom. Marsiglio assumes the existence of several states by prescribing the election of representatives to the council by the different legislators,<sup>4</sup> but he ascribes its summons to the *legislator humanus superiore carens* in the singular, and seems to slip lightly into the identification of this *legislator* with a non-existent general assembly of the Holy Roman Empire.<sup>5</sup> Presumably in view of the Emperor Lewis's claims he did not like to suggest agreement between the legislators (after all none of them in real being) of the various comprehensive states *superiore carentes*. But after his admission of a possible plurality of such it is a flaw in his system.

<sup>1</sup> *Def. Pacis*, dict. i, cap. iv, part 1 (Cartellieri, p. 9): 'Est autem ciuitas, secundum Aristotelem I. Politicæ, cap. i<sup>o</sup> [i. e. cap. ii], "perfecta communitas omnem habens terminum per se sufficientiæ".'

<sup>2</sup> *Ibid.* dict. i, cap. ii, part 2 (Cartellieri, p. 6): 'Haec dictio regnum in una sui significatione importat pluralitatem ciuitatum seu prouinciarum sub uno regimine contentarum; secundum quam acceptionem non differt regnum a ciuitate in politiae specie, sed magis secundum quantitatem.'

<sup>3</sup> *Ibid.* dict. ii, cap. vi, part 12 (Goldast, ii, p. 207): 'Pertinet ad fidelium uniuersitatem in communitate illa in qua debet aliquis tali iudicio iudicari, uel ad ipsius superiorem, uel ad concilium [MSS.: Goldast, *exilium*] generale.'

<sup>4</sup> *Ibid.* dict. ii, cap. xx, part 2 (Goldast, ii, p. 256): 'Quibus ab uniuersitate fidelium Christianorum auctoritas haec concessa fuerit: sic uidelicet, ut omnes mundi provinciae seu communitates notabiles secundum sui legislatoris humani determinationem, siue unici siue pluri, et secundum ipsarum proportionem in quantitate ac qualitate personarum, uiros elegant fideles.' And *ibid.*, part 3 (Goldast, ii, p. 256): 'Legislatores uero ad hoc etiam obligantur, eligendo personas idoneas ad concilium integrandum . . . et uenire recusantes . . . si oportuerit compellendum.' Cf. dict. iii, concl. xxxiii (Goldast, ii, p. 311).

<sup>5</sup> *Ibid.* dict. ii, cap. xxi, part 1 (Goldast, ii, p. 258). Cf. with regard to ecclesiastical observances, &c., *ibid.* part 8 (Goldast, ii, p. 260): 'Ad haec etiam fidelis humani legislatoris primi aut eius auctoritate principantis interueniente decreto.' The use of *primi* here is suggestive of the empire.

## *Scutage in the Fourteenth Century*

IN a previous article<sup>1</sup> evidence was adduced of the applicability, at least in the later thirteenth century, of Professor Maitland's much-criticized theory that the scutage was a general tax, paid in addition to the service or fine proffered by the tenants in chief in response to the royal summons; and the controversy engendered by the new policy was traced from its origin in 1279 down to the year 1307, when the death of Edward I left the matter in suspense. It remains to consider later developments in the reigns of Edward's two successors.

For some years after the accession of the new king no further advance was made towards a solution of the outstanding problems. If, on the one hand, the *discussio* alluded to by the treasurer and barons in 1306 did not take place, on the other, no new attempt appears to have been made to enforce payment of scutage by those who considered themselves rightfully quit. Interest was concentrated upon the struggle between Crown and baronage which broke out as soon as the strong hand of Edward I was removed; and it was not, apparently, until the disastrous Bannockburn campaign had involved the Crown in serious financial difficulties that attention was redirected to the suspended scutages of the preceding reign. On the return of the king from the north in the autumn of 1314 the scutages of 1300 and 1303 were reimposed, and a levy was put in charge for the army of 1306.

Since the supervision of the levies by the sheriffs had in the past been productive of but small results, a new method of collection was now instituted, based upon that habitually employed in the case of taxes upon movables, and occasionally in the case of the regular feudal aids. By a series of commissions issued on 3 November 1314, two or more 'collectors' were appointed for each county or county-group in England to levy the scutages of the twenty-eighth and thirty-first years of Edward I, 'as yet in greater part unlevied'.<sup>2</sup> The initial duties of these officials consisted in the furnishing of particulars of the

<sup>1</sup> *Ante*, xxxvii. 321.

<sup>2</sup> *Cal. of Fine Rolls*, ii. 216; *Parl. Writs*, ii. ii. 432-3.

knights' fees within their respective bailiwicks. Already, in the reign of Edward I, the exchequer had been hampered in the collection of the scutage by the lack of adequate information concerning the knights' fees of England. As previously shown, the scutage lists for the fifth and tenth years had been based almost exclusively upon the Pipe Roll records of the levy taken by Henry III more than twenty years earlier, and had contained many anachronisms.<sup>1</sup> With the lapse of time the difficulty became increasingly acute. After the statute of *Quia Emptores* in 1290, the normal process of change produced in the allocation and distribution of fees by the action of the principle of hereditary descent was given additional impetus by the removal of restraints upon alienation and the free buying and selling of land. Consequently the evidence of the books of fees and other records existing at the exchequer required considerable modification and readjustment. When, in 1314, the collection of the scutages of the preceding reign was resumed, the situation was still further complicated by the fact that many years had elapsed since the date of the armies in connexion with which the levy was being made. It was therefore found necessary to instruct the collectors to hold, with the assistance of the sheriffs, formal inquisitions to supplement existing information as to the fees held at midsummer 1300 and at Whitsun 1303 respectively, either of the king in chief *ut de corona*, or of escheats, wardships, lay and ecclesiastical honours in hand, or royal purchases. From each fee so held there were to be levied the 40s. due for each of the above scutages. The money arising therefrom was to be delivered at the exchequer by parcels as speedily as possible, and any tenants alleging acquittance were to be given a day to appear before the treasurer and barons to sue their plaint and receive justice.<sup>2</sup> About the same time the sheriffs who had been responsible for the levies in the reign of Edward I began to be summoned to render account of such sums as they had collected during their term of office.<sup>3</sup> The treasurer and barons had already been directed, by a writ dated 24 October 1314, to put in charge the scutage for the army of Scotland of 1300,<sup>4</sup> and on 28 November commissions for the levy were issued on the model of those for

<sup>1</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 97, 19 Edw. II, pt. 1, Records, Trinity. In the Pipe Roll of 15 Edw. I Richard de Montfichet was charged with scutage on forty-seven and a quarter fees, although he died *temp.* Henry III and his lands were divided among coheirs. The mistake was ascribed by the exchequer to the fact that each scutage list was based on the preceding one, the entry in 15 Edw. I being traced back to the roll of 38 Henry III.

<sup>2</sup> *Cal. of Fine Rolls*, ii. 216; *Parl. Writs*, ii. ii. 432-33.

<sup>3</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 85, Easter, Dies Dati, m. 3, Sheriff of Oxon. and Berks.; Trinity, Dies Dati, m. 3, Sheriff of Hereford; Trinity, Dies Dati, m. 6, Sheriff of Beds. and Bucks.

<sup>4</sup> *Cal. of Chanc. Rolls, Various*, p. 384.

the twenty-eighth and thirty-first years, the collectors being in many cases the same.<sup>1</sup> Four days previously the exchequer had received orders to send into the chancery the transcripts of the Marshalsea and Fine Rolls for the thirty-fourth year of the late king.<sup>2</sup> From these was compiled a Scutage Roll consisting of writs *de scutagio habendo* in the usual form, and covering a period from 24 November 1314 to 21 June 1318.<sup>3</sup>

The new system applied in 1314 to the levy of the scutages of Scotland of Edward I's declining years produced no better results than the old. The collection was nominally in progress for over twenty-five years, but, as will be shown, it was even then incomplete, and final accounting was never carried out. Two causes operated to produce these conditions, the one widespread in its effects, the other peculiar to the scutage. The first was the general break-down of exchequer administration which characterized the period.<sup>4</sup> The accounts of all branches of the national revenue were in a state of incredible confusion, as a result partly of the lack of adequate new machinery to deal with the vastly increased bulk of business, partly of the slackening of the control exercised by the central government over the local officials. There was no proper interaction of the various parts of the administrative machine. While, on the one hand, the exchequer was unable to enforce obedience upon the officials immediately subject to its jurisdiction, these latter, on the other hand, could not secure the co-operation of their own inferiors. Thus, in the case of scutage, the 'slackness and remissness' of which the exchequer constantly complained on the part of the collectors was excused by the latter on the ground that, owing to the disobedience and 'rebellion' of sheriffs, bailiffs, and jurors, they were unable to hold the inquisitions which were to furnish the necessary basis of the collections. These conditions, which, broadly speaking, were common to all the levies of the period, were greatly complicated in the case of the scutage by the operation of the second cause, the problem of the incidence of the levy, first raised in connexion with the Welsh scutages of Edward I. Was the scutage to be a general tax upon the knights' fees of England, on the model of the aid; or was it merely to represent the commutation of the service due from those fiefs for which neither soldiers nor their pecuniary equivalent had previously been offered? The attempt of the exchequer to maintain the former view, in defiance of precedent, reacted in two ways upon the levy. In the first place, it created an opposition

<sup>1</sup> *Cal. of Fine Rolls*, ii. 222; *Parl. Writs*, II. ii. 434.

<sup>2</sup> *Exch. Mem. Roll*, Lord Treas. Rem., no. 85, Brev. Bar. Mich., m. 8.

<sup>3</sup> *Cal. of Chanc. Rolls*, *Various*, pp. 384 *seq.*

<sup>4</sup> Tout, *Place of Edward II in English History*, pp. 193 *seq.*

on the part of the feudal tenantry, which must be regarded as responsible, in large measure, for the difficulty encountered by the collectors in obtaining the information upon which to base their accounts. In the second place, even in cases where this initial difficulty had been obviated, it rendered final accounting impossible.

The determination of the tenants in chief to oppose any return to the unpopular policy of the preceding reign soon became apparent. In the parliament which met in London under baronial auspices in January 1315, complaint was made by 'the prelates, earls and other magnates of the kingdom' that the newly appointed collectors for the twenty-eighth, thirty-first, and thirty-fourth years of Edward I were wrongfully attempting to levy scutage from 'all knights' fees held of the king in chief', and were distraining for payment both those who had performed their service, and their sub-tenants, '*nulla exceptione facta*'. To this it was replied that the king was unwilling that any injustice should be done in the matter, and that, if the tenants in chief would appoint representatives to lay their case before the exchequer, a fitting remedy should be provided. The earls of Pembroke and of Hereford, together with Michael de Meldon, steward and representative of Earl Thomas of Lancaster himself, were accordingly deputed to appear before the treasurer and barons on behalf of all tenants in chief by knight service. The commissions under which the collectors acted were first of all produced for their inspection, and it was pointed out that these directed '*quod scutagia levare debeant de feodis militum que tenebantur in capite de rege*'. To this the magnates objected that scutage ought not to be levied from those fees for which service had already been performed. The council, after considering this objection, expressed its willingness, if furnished with the names of those who had served in the armies under discussion, together with the number of fees for which their service was performed, to acquit such tenants of scutage '*de tot feodis pro quot servitium factum fuit*'. This offer was rejected by the earls on the ground that many of the mesne tenants performed service for fewer fees than they actually held, so that a Crown vassal holding, say, forty or fifty fees might owe a service of four or five knights only. '*Et tam prelati . . . quam comites et barones etc. . . . omnia tenementa sua que tenent de rege ut de corona defendere solent et debent per servitium faciendum in exercitu etc. per huiusmodi certum numerum militum, et hoc a tempore quo non exstat memoria etc.*' They therefore besought the king that in virtue of this service they might, as in the past, be quit of scutage upon all their fees. To this it was answered by the council, after deliberation, that if the tenants in chief would furnish particulars as to (i) the

number and location of the knights' fees which they held of the king; (ii) the number which they recognized as constituting their 'servicium debitum'; and (iii) the number for which they had performed service in the armies for which scutage was being exacted, 'fiet quicquid fuerit rationis'. The magnates, at their own request, were granted till the morrow of St. Hilary next following (14 January 1316) to consider this offer, and it was agreed that in the next parliament a final discussion of the whole matter should be held. In the meantime the complainants were granted respite from scutage.<sup>1</sup> A separate roll, preserved among the supplementary Close Rolls of the chancery,<sup>2</sup> contains the writs *de supersedendo* issued in accordance with this agreement from February 1315 onwards.

The tenants in chief had, in fact, by their determined opposition, once more frustrated the attempt of the exchequer to enforce its new policy, although they had not succeeded in eliciting a specific recognition of their own claims. Distraint upon fees for which service or a fine had already been offered was again temporarily suspended, and the collection of the scutages as a whole proceeded extremely slowly. On 24 February 1315 the collectors had been strictly enjoined to apply themselves with energy and solicitude to the performance of their duties, and to pay in during the Easter term all the money they had been able to collect on account of the three scutages.<sup>3</sup> New writs, issued in the following May,<sup>4</sup> showed how disappointing had been the response to this appeal. They recited the depredations committed by Robert Bruce in the northern counties, and the urgent need for money for purposes of defence, and expressed indignation that the collectors had been 'tepidi et remissi' in

<sup>1</sup> Exch. Mem. Roll, King's Rem., no. 88, m. 145; Exch. Mem. Roll, Lord Treas. Rem., no. 85, Hil. Rec., m. 7; *Rot. Parl.* i. 292, no. 17.

<sup>2</sup> *Parl. Writs*, II. ii. 437 seq.; *Cal. of Chanc. Rolls, Various*, pp. 105-44. The form of the writ was: 'Rex collectoribus scutagii de exercitibus Scocie de annis regni domini Edwardi, quondam regis Anglie patris nostri vicesimo octavo, tricesimo primo, et tricesimo quarto in comitatu—salutem. Quia dilectus et fidelis noster A.B. fuit cum dicto patre nostro in exercitibus predictis [or habuit servicium suum; or finem fecit cum dicto patre nostro] pro servicio suo x feodorum militum quod eidem patri nostro in exercitibus predictis recognovit, sicut per inspeccionem rotulorum marescalcie dicti patris nostri de eisdem exercitibus nobis constat; vobis mandamus quod demande quam eidem A.B. facitis pro scutagio ad opus nostrum pro exercitibus predictis pro quibus scutagium concessum fuit, de feodis militum que idem A.B. tenuit de eodem patre nostro temporibus exercituum predictorum, et de illis que de eodem A.B. eisdem temporibus tenebantur supersedeatis; et si quid inde levaveritis id ei sine dilacione restituatis. Et distraccionem si quam ei ea occasione feceritis, relaxetis eidem. Proviso quod scutagium de feodis militum que idem A.B. tenuit de dicto patre nostro temporibus predictis ratione honorum, escaetarum, seu perquisiti sui, ac etiam hereditatum tunc in manu ipsius patris nostri existencium prout iustum fuerit levetur ad opus nostrum. Teste rege' etc. (Supplementary Close Roll, no. 9).

<sup>3</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 85, Brev. Ret. Hil., m. 2 d.

<sup>4</sup> *Ibid.*, Brev. Ret. Easter, m. 4, 6 May.

the collection of the scutages, 'que sunt servicia debita et ius fisci et unde copiosa pecunia provenire deberet', and had paid in little or nothing. At the same time the sheriffs and their bailiffs were taken to task for their failure to afford proper assistance to the collectors, and were ordered, under pain of heavy forfeiture, to be in future 'ita . . . auxiliantes et intendentes' that the levy might proceed, and the money be paid into the exchequer without further delay.<sup>1</sup> These stringent orders gradually produced some effect. The receipt rolls for 1315 and the years immediately following show that small sums were from time to time paid in,<sup>2</sup> while the collectors of a few counties appeared before the exchequer and made their view of account.<sup>3</sup> These views were based upon the 'particulars', of which a few original examples are preserved among the Subsidy Rolls,<sup>4</sup> and which were compiled partly from existing exchequer evidences, and partly from the information furnished by the inquisitions held by the collectors. They specified, first, the total amount charged against the collectors; secondly, the amount already paid in by them; thirdly, the sum, if any, collected by the sheriffs in the time of Edward I on account of the levies of the twenty-eighth and thirty-first years, for which the collectors claimed acquittance; fourthly, the sum for which respite was due 'usque super compotum . . . pro diversis . . . qui servicia sua fecerunt et finem pro serviciis suis in exercitiis predictis, per diversa brevia regis de supersedendo'; and finally the amount, apart from that respited, which was still owing. The results of the levy were still, however, far from satisfactory, and in many instances the collectors neither made payments nor appeared at the exchequer to render their view of account. The chief explanation which they put forward of their failure to make any progress with the collection was the impossibility of securing information as to the fees from which scutage was due in their bailiwicks. In February 1316 the collectors in the county of York represented to the exchequer that, owing to the failure of the bailiffs to empanel jurors for the holding of the necessary inquisitions, they had been unable to proceed with the levy;<sup>5</sup> and in September of the same year it was found necessary to empower all collectors to inflict heavy amercements upon jurors who failed to appear at the instance of the sheriffs, and upon bailiffs who refused to be intendant.<sup>6</sup>

<sup>1</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 85, Brev. Ret. Easter, m. 3.

<sup>2</sup> *Receipt Rolls*, nos. 216-43.

<sup>3</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 86, Visus Comp., m. 199 d, Cambridge and Hunt., Salop and Staff.; mm. 203 and 204, Beds. and Bucks., Hampshire, Middlesex, Westmorland; no. 87, Hereford, Somerset and Dorset; no. 89, Devon, Norfolk and Suffolk, Wilts.

<sup>4</sup> *Vide infra*, p. 30.

<sup>5</sup> *Cal. of Patent Rolls*, 1313-17, p. 428.

<sup>6</sup> *Parl. Writs*, ii. ii. 481.

In the meantime the tenants in chief, suspicious of the royal intentions, had made no attempt to furnish the particulars stipulated for in the parliament of 1315. Funds were again urgently needed for the defence of the northern border against the constant depredations of Bruce and the Scots, and the exchequer consequently welcomed the excuse for resuming, at the expiration of the period of respite, the collection of the suspended scutages.<sup>1</sup> The summonses for payment upon tenants who had served or fined were accordingly renewed, and both tenants in chief and rear vassals were again subjected to distraint. So strong was the resentment aroused by this measure that the collectors and their agents had even, in some instances, to complain of personal violence. Thus in December 1318 a commission of oyer and terminer was issued on behalf of a certain Simon de Wakefeld, who, when approaching the city of York to collect the sums due for the scutages of the twenty-eighth, thirty-first, and thirty-fourth years of Edward I, was set upon by a body of townsfolk, who afterwards broke his houses and chests and carried off cattle and other goods, with £138 in money.<sup>2</sup> More peaceful means of drawing attention to their grievances were, however, available. The sub-tenants found champions against the demands of the exchequer in their own lords, to whose obvious interest it was to see that the scutage, which, according to ancient feudal custom, should have been theirs, did not pass into the royal coffers.

At the parliament which met at York in October 1318 the middle party, under the leadership of the earl of Pembroke, was supreme, and the opportunity was taken to present a further petition on the subject of scutage. The prelates, earls, and barons, on behalf of all 'tenauntz de meindre tenaunce', complained that, whereas performance of service on the fees which they recognized should have entitled them to a chancery writ authorizing them to levy scutage for their own use from their sub-tenants, these latter were now 'de nouvel' being distrained to pay scutage to the Crown, allowance being made to their lord 'soulement pur taunt des feez come afferent a taunt des gentz come il ount profert a faire lour services'. They besought the king that he would cause the treasurer and barons to release the distraint forthwith and to allow them to have their scutage 'solonc ceo qil ount eu et use tot tenps sa en arere'. The sole response which this appeal elicited was, 'Ceste requeste demoertz

<sup>1</sup> *Rot. Parl.* i. 383 'Et quia iidem prelati etc. non ostenderunt super premissis quicquam etc. procedebatur ad exaccionem et levacionem.'

<sup>2</sup> *Cal. of Patent Rolls*, 1317-21, p. 305. In the petition of 1315 it had been pointed out that from the new policy 'rien nen cret au Roi fors daunger des ministres'.

sur deliberacion'.<sup>1</sup> At the same time the royal assent was secured to a request that the tenants in chief should be granted their scutage at the rate of 2 marks the fee for the service performed in the time of Edward II at Roxburgh and for that summoned to Berwick.<sup>2</sup>

Although the parliament of 1318 granted a liberal subsidy for the maintenance of the war with Scotland, the need for money was still acute, and it was apparently determined to make the grant of scutage to the magnates dependent upon a general levy on behalf of the Crown. Accordingly, in 1319, orders were issued for the imposition of a scutage in connexion with the Scottish expedition of Edward II's fourth year. The writs of summons for the campaign had been issued in the usual triple form on 18 June 1310,<sup>3</sup> the muster being at Berwick-upon-Tweed on 8 September of the same year.<sup>4</sup> Tenants who wished to escape service had been directed, as usual, to fine therefor, the rate being fixed, on this occasion, as high as £40 the fee.<sup>5</sup> When, however, inquiries were instituted in 1319 with a view to the compilation of a scutage roll for the campaign of the fourth year, it was discovered that only seven tenants in all had made fine for their service, and that many had succeeded in evading the summons altogether.<sup>6</sup> Accordingly, the treasurer and barons were directed, in May 1320, to examine the Marshalsea and Fine Rolls and to cause all tenants who had neither served nor fined to appear before the exchequer to satisfy the Crown in the matter.<sup>7</sup>

A period of more than nine years elapsed between the issue of the summons and the imposition of the scutage. On 28 May 1319<sup>8</sup> a writ was issued to the treasurer and barons in the usual form, directing them to put in charge the scutage due to the king for the army of Scotland of the fourth year, the rate being fixed, in accordance with the grant to the magnates in the parliament of York, at 2 marks the fee, instead of the £2 customary under Edward I. Writs *de scutagio habendo* were issued by the chancery as a matter of form from June 1319 onwards.<sup>9</sup>

<sup>1</sup> H. Cole, *Docs. Illustrative of English History in the Thirteenth and Fourteenth Centuries* (Rec. Comm., 1844), p. 7; cf. Conway Davies, *Baronial Opposition to Edward II*, p. 457, and *Hist. MSS. Comm., Report I*, App. pp. 87 ff., letter of the bishop of Norwich.

<sup>2</sup> *Ibid.*; i.e. the armies of 1310 and 1319(?).

<sup>3</sup> *Parl. Writs*, II. ii. 394-6.

<sup>4</sup> *Ibid.* pp. 401 seq. Roll of the profers of service made at Tweedmouth on 10 September and the days following.

<sup>5</sup> Exch. Lord Treas. Rem., Misc. Roll 1/13, m. 6.

<sup>6</sup> Exch. Lord Treas. Rem., Mem. Roll, no. 89, Brev. Bar. Easter, m. 104 d, and Rec. Trin., m. 30.

<sup>7</sup> *Ibid.* no. 90, Brev. Bar. Easter, m. 16, and *Parl. Writs*, II. ii. 531.

<sup>8</sup> *Ibid.* no. 89, Brev. Bar. Easter, m. 104 d; *Cal. of Chanc. Rolls, Various*, p. 393.

<sup>9</sup> *Cal. of Chanc. Rolls, Various*, pp. 393 seq.

The commissions for the levy of the king's scutage were drawn up in November 1319 on the model of those of 1314. New collectors were appointed for the various counties of England, and a system of county grouping somewhat different from that of the earlier levies was employed. Minute instructions were given for the holding of inquisitions as to knights' fees, 'since many of the said fees have come to the hands of divers in the time of the king's progenitors and of the king, some by hereditary descent, as well in pourparties as otherwise, and some by alienations made thereof in divers manners'; and the collectors were ordered to deliver the inquisitions at the exchequer 'before the Ascension next' (8 May 1320).<sup>1</sup> At the same time orders were issued to the sheriffs to assist the collectors in empanelling juries, and in the execution of other business connected with the levy.<sup>2</sup> In addition, the collectors, before taking up their commissions, were required to take oath before the sheriffs 'de bene et fideliter se habendo' in the collection of the scutage.<sup>3</sup> In spite, however, of the elaborate measures taken to ensure the success of the levy, little or nothing would appear to have been accomplished by the date appointed in the commission. The same causes operated to prevent satisfactory returns. On the one hand, the lack of information regarding knights' fees could not be made good, owing partly to the natural difficulties arising from the length of time which had elapsed since the date of the armies in question, but more particularly to the prevalent opposition to and suspicion of the royal policy, and to the general lack of coercive power. The sheriffs and bailiffs still refused to be intendant and jurors refused to appear, or, on appearance, declined to take the oath or to transact any business, while the exchequer complained that the collectors were too slack to inflict the punishments authorized by the Crown.<sup>4</sup> On the other hand, the question whether the scutage should take the form of a general tax upon knights' fees or merely of a levy upon tenants in chief who had not served or fined was still unsettled, and inevitably created renewed friction between the exchequer and the Crown vassals.

The imposition of a sixth levy side by side with those of the previous reign which were still in process of collection merely, therefore, provoked a fresh outburst of indignation in the parliament which met at Westminster in October 1320. As before, the magnates made complaint that the exchequer was inflicting

<sup>1</sup> *Cal. of Fine Rolls*, ii. 9.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Exch. Mem. Roll*, Lord Treas. Rem., no. 90, Brev. Ret. Trin. To sheriff of Devon.

<sup>4</sup> *Ibid.* Commissions and Letters Patent, m. 2. Mandate to the collectors throughout England to be in future more strict in the punishment and amercement of recalcitrant sheriffs, bailiffs, and jurors, 24 May.

'grand duresce' upon their sub-tenants by distraining them for the payment of scutage for the armies of the fifth, tenth, twenty-eighth, thirty-first, and thirty-fourth years of Edward I, and the fourth of the reigning king, without regard to service performed. After the petition had been considered by the treasurer and barons, in consultation with the justices and others of the king's council, answer was made that the information stipulated for in 1315 had not been furnished, but that the offer then made was still open, and that if the necessary particulars were forthcoming, the king would do 'quicquid ratio exegerit'. The tenants replied that they had not yet sufficiently deliberated on the matter, and they were accordingly granted till the following Easter, or failing that till Michaelmas 1321, to make the returns, with respite from scutage in the interim.<sup>1</sup> In accordance with this agreement writs were issued on 14 January 1321 to the sheriffs throughout England, directing them to make proclamation that all archbishops, bishops, abbots, priors, earls, barons, knights, and others holding in chief by military service should inform the exchequer before Michaelmas next following as to (i) what fees they held of the king for which service was due in his armies, and (ii) what lands and fees were held of him that they claimed to be defended under the said fees for which they did service.<sup>2</sup>

The second attempt to elicit information directly from the tenants in chief failed as signally as the first had done, and at the expiration of the period of respite the collection of all six scutages was once more resumed. The accounts of the Welsh scutages of the fifth and tenth years of Edward I had, as previously noted, been rendered respectively in the seventh and fifteenth years of his reign; so that all that remained to be done in this instance was to renew distraint for payment of the supposed debts which were still charged in the Pipe Roll against tenants who had claimed exemption for service or fine. The case of the abbot of St. Augustine's, Canterbury, may be taken as an example of the procedure. The abbot held fifteen fees in Kent, but of these he recognized for military purposes only one. In 1282 he performed service on this one fee, but he continued, nevertheless, to be charged with £30 scutage and to be subjected to periodical distraint for payment. In the Trinity term of 15 Edward II he appeared by attorney at the exchequer, during the accounting by the sheriff of Kent, and claimed acquittance in virtue of

<sup>1</sup> *Rot. Parl.* i. 383. Writs *de supersedendo* for 4 Edw. II began to issue from the chancery as early as February 1320. See *Cal. of Chanc. Rolls, Various*, pp. 125 *seq.*; *Parl. Writs*, II. ii. 529 *seq.*

<sup>2</sup> *Rot. Parl.* i. app., pp. 454-5; *Parl. Writs*, II. ii. 537; *Cal. of Close Rolls, 1318-23*, p. 286.

service performed. In view, however, of the fact that the service was for one fee only, while the scutage was charged on fifteen, he was ordered to appear again at the following Michaelmas, 'ad ostendendum si quid penes se habeat quod per servicium unius feodi quietus esse debeat de servicio xv feodorum predictorum . . . vel ad respondendum domino regi de predictis xxx li. de scutagio predicto'. The attorney presented himself as directed, and declared that the abbot and his predecessors 'a tempore quo non exstat memoria' had held all the lands pertaining to the abbey for the service of one knight's fee only, and not of fifteen, and that neither the present king nor his predecessors had ever been seised of other service than that from the one fee aforesaid. In support of his claim to quittance, he produced a chancery writ of typical form directed to the treasurer and barons, ordering them to ascertain by scrutiny of the rolls or by other lawful means the truth of the abbot's allegation and to acquit him of the scutage charged against him in the Pipe Roll for all save the one fee which he recognized. If it could further be proved that he had performed service for that fee, he was to be quit of scutage for that also. The abbot's argument failed, however, to satisfy the exchequer, and the case was accordingly indefinitely adjourned 'quia curia vult plenius deliberare super premissis', respite being granted to the abbot in the meantime.<sup>1</sup>

The collection of the scutages of Scotland of the twenty-eighth, thirty-first, and thirty-fourth years of Edward I and the fourth of Edward II was a far more complicated matter. Satisfactory progress was in this instance hindered not merely by the still unsolved problem of the tenants who had served or fined, but by the difficulty in securing the preliminary information upon which to base the collection. The attempt to extract the particulars of their fees from the tenants in chief having again failed, the exchequer was obliged to fall back upon the less direct and scarcely more satisfactory method of the sworn inquest. Only two examples of original scutage inquisitions of this period have survived, both being connected with the levies of Edward I. The first, taken before John Filliol and William de Northo, collectors of the scutage of 28, 31, and 34 Edward I in Surrey and Sussex, at Sedlescombe, in the latter county, during the summer of 1320, is preserved among the Miscellaneous Inquisitions of the chancery.<sup>2</sup> It gives a list of the fees held of the barony of Hastings in 31 Edward I, when the lord, John of Brittany, earl of Richmond, performed no service, and in 34 Edward I, when the honour was in the king's hand. The

<sup>1</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 92, Rec. Trin.; no. 93, Rec. Mich.

<sup>2</sup> *Cal. of Misc. Inquisitions*, ii, no. 405, pp. 101 seq.

second exists among the Subsidy Rolls of the exchequer,<sup>1</sup> and has been printed *in extenso* in *Feudal Aids*.<sup>2</sup> It consists of eight separate inquisitions taken at various important local centres before John le Rous and John Turpyn, collectors of the Scottish scutages of Edward I in the county of Wiltshire, in the seventeenth and eighteenth years of the reign of Edward II. The documents are in an excellent state of preservation, and form a complete series, as is shown by a comparison with the particulars of account which are also extant, and which are arranged under the two main headings: 'De feodis que tenentur de rege in capite per informaciones habitas per inquisiciones liberatas ad scaccarium per collectores' and 'De feodis que tenentur de rege in capite per informaciones habitas per libros feodorum in scaccario'.<sup>3</sup> The Subsidy Rolls include a small number of other documents relating to the scutages of this period. Among them are the particulars of the sums levied during the reign of Edward I by the sheriffs of Bedford and Buckingham, Cambridge and Huntingdon, and Oxford and Berkshire respectively<sup>4</sup> towards the scutages of the twenty-eighth and thirty-first years. Others include particulars of account, details of assessment and draft accounts furnished by the collectors in Surrey and Sussex, Middlesex, Gloucestershire, Cornwall, Bedford and Buckingham, Wiltshire, Suffolk, Nottingham, and Derby; together with the views of account of the collectors in Hampshire and in Oxfordshire for the twenty-eighth, thirty-first, and thirty-fourth years of Edward I.<sup>5</sup> For the fourth year of Edward II there remain only the particulars and the view of account for Derby and for Wiltshire, with a much-damaged fragment relating to the levy in Suffolk, and the particulars of account of the collectors in Surrey.<sup>6</sup> The extremely fragmentary nature of extant records concerning the scutage must doubtless be ascribed in part to documentary losses, but contemporary evidence makes it impossible to avoid the conclusion that in many cases the information was never furnished. As late as the ninth year of the reign of Edward III the majority of the collectors of the scutage of 4 Edward II had made no view of account, while the same held good in the case of at least nine counties or county-groups for the levies of Edward I.<sup>7</sup> Even in those instances where the

<sup>1</sup> Subsidy Roll 196/6.

<sup>2</sup> *Feudal Aids*, v. 213 *seq.*

<sup>3</sup> Subsidy Roll 196/4.

<sup>4</sup> *Ibid.* 242/62, 242/65, 161/5, 242/70.

<sup>5</sup> *Ibid.* 242/44, 141/1, 113/1, 87/1, 239/247, 242/67, 240/283, 239/172, 242/69, 173/1, 242/31.

<sup>6</sup> *Ibid.* 91/3, 91/4, 242/43, 184/2, 242/67.

<sup>7</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 107, Brev. Ret. Trin., mm. 148, 148 d, 149, 149 d, 150, 150 d. No view of account for 4 Edw. II had been rendered in Beds. and Bucks., Warwick and Leicester, Oxford and Berks., Rutland, Kent, Cambridge and Hunts., Wiltshire, Hampshire, Derby, Devon, Somerset and Dorset, Essex and

particulars were furnished and the view of account duly made, final accounting was impossible because of the continued uncertainty as to the proper incidence of the scutage. The exchequer refused to abandon its attempt to exact scutage from the fees of tenants who had served or fined, and collectors who appeared before the exchequer to render their account could secure no hearing, but were adjourned from term to term, 'quia curia nondum deliberavit super modo et forma recipiendi compotum predictum'.<sup>1</sup>

The repeated adjournments inflicted no small hardship upon the collectors, who were constantly being summoned to appear before the exchequer, and were, on appearance, unable to conclude their business. Eventually therefore, in 1326, in the last of the great series of exchequer ordinances which signalized the rehabilitation of the royal authority during the closing years of the reign of Edward II, an attempt was made to arrange for the completion of the long-deferred accounting. The cause of the previous delay was declared to be the lack of reliable recent information with regard to the knights' fees of England, and it was ordained, for the relief of the collectors and the speedy dispatching of the accounts, 'that the treasurer and barons cause them to be heard with the greatest expedition that may be, by the evidence of the inquests heretofore made (in the time of the king that now is) or that of his ancestors, of the fees held of him, and by other evidences in the exchequer of accounts rendered of scutages within this time. And the king shall cause it to be ordained as speedily as may be conveniently done by the wise men of his council, justices and others, how the fees held of him as of his Crown or otherwise may be better sought out and ascertained'.<sup>2</sup>

The effect of this provision upon the progress of the levy of the four scutages of Scotland was entirely negligible. The absence of information as to the king's fees was only one of the many factors which combined to hinder the collection of the scutage. The root cause of the delay in accounting was not touched upon by the ordinance of 1326. Accounting had, in fact, reached different stages in the different counties of England. In some cases, although small sums had from time to time been paid into the exchequer, particulars of the fees were not

Hertford, Lancashire, Gloucester, Norfolk and Suffolk, Shropshire, and Stafford, Lincoln, Northampton, Yorks., Cornwall. No view of account for 28, 31, 34 Edw. I had been made in Cumberland, Rutland, Northumberland, Lancaster, Gloucester, Northampton, Lincoln, Yorkshire, Cornwall.

<sup>1</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 95, 18 Edw. II, pt. i, Dies Dati, Easter and Hil.; no. 97, 19 Edw. II, pt. i, Dies Dati, Mich. and Hil.

<sup>2</sup> *Red Book of the Exchequer*, iii. 961-3; Ordinance of 1326, ch. xxiv.

forthcoming, and no view of account had been made. In others, where the collectors had displayed greater energy, the levy had progressed a stage further, and the view of account had been duly made. The total amount charged against the collectors in their view of account fell into two clear divisions. There were first of all the sums about which there was no dispute. Such were the amounts due from the tenants of honours in hand, of wardships, and of royal purchases or of fiefs for which no service had been offered at the time of the summons, and of these some portion at least had in general been paid. Secondly, there were the sums charged against fiefs for which exemption was claimed in virtue of service or fine and for which the collectors were granted respite '*usque super compotum*'. Whenever the collectors appeared before the exchequer to make their final accounts, the old dispute as to the relation between the reduced service and the scutage was revived, and a deadlock ensued which rendered final accounting impossible. The ordinance of 1326 made no attempt to settle the vexed question of the incidence of the scutage. Consequently, during the opening years of the reign of Edward III the collectors continued, as before, to be summoned regularly before the exchequer to render account, only to be as regularly adjourned '*quia restat deliberacio facienda cum iusticiis et aliis de consilio domini regis qualiter collectores huiusmodi scutagii debent onerari*' or '*qualiter ulterius sit procedendum ad finalem audicionem compoti predicti*'.<sup>1</sup>

It was not until the Michaelmas term of 1334 that measures were at length taken for the relief of the sorely tried collectors. It was then agreed that the summonses upon them for the rendering of their accounts should be suspended until a final decision should have been reached by the exchequer as to the incidence of the scutage.<sup>2</sup> In the following year, however, a determined effort was made to secure payment of the sums about which there was no dispute. On 30 and 31 July 1335 there issued a series of important writs to the sheriffs of various counties of England.<sup>3</sup> These writs were of two distinct types. The first were concerned with those of the collectors of the

<sup>1</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 100, Dies Dati, Mich.; no. 101, Dies Dati, Mich., mm. 64 and 64 d; no. 102, Dies Dati, Mich., m. 84 d; no. 103, Dies Dati, Mich., m. 93, Easter, m. 99; no. 104, Dies Dati, Mich., mm. 73, 81, 83 d, 84, 85 d, 86, 88 d; no. 105, *passim*, inter Dies Datos.

<sup>2</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 106, Dies Dati, Mich., m. 85 d and *passim*. The formula was: '*Postea quia curia vult plenius deliberare super audicione et reddicione compoti huiusmodi scutagiorum per Angliam antequam ulterius etc. concordatum est quod executio inde cesset quousque etc.*'

<sup>3</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 107, Brev. Ret. Trin., mm. 148, 148 d, 149, 149 d, 150, 150 d.

scutages of 28, 31, and 34 Edward I, and of 4 Edward II, who had made no view of account. They instructed the sheriffs to distrain such collectors or their heirs and executors, to appear before the exchequer on a given day, to make their view of account, and to pay in all the money collected by them during their term of office.<sup>1</sup> The greater number of these were directed to collectors of the scutage of 4 Edward II, but some eight or nine had reference to the earlier levies.<sup>2</sup> In some instances changes which had taken place in the personnel of the collecting officers, owing to the inevitable accidents of death or illness, or to deliberate evasion of duties which were both profitless and dangerous,<sup>3</sup> necessitated the issue of two or three writs for a single county. The second class of writ dealt with those collectors who had already made their view of account, but who had not as yet paid in all the sums which they acknowledged to be due to the exchequer. The sheriffs were in this case instructed to levy from the goods and chattels, lands and tenements of the collectors and their heirs those sums of money which were still owing to the Crown 'de remanencia visus compoti sui'.<sup>4</sup> No mention whatever was made of the sums for which respite was claimed by the

<sup>1</sup> The form of the writ was as follows: 'Preceptum sit vicecomiti quod distringat A.B. et C.D. nuper collectores scutagiorum Scocie de annis regni domini Edwardi quondam regis Anglie avi regis nunc xxviii<sup>o</sup>, xxxi<sup>o</sup> et xxxiiii<sup>o</sup> in comitatu —, vel heredes et executores suos si ipsi mortui fuerint, seu tenentes terras et tenementa que sua fuerunt in feodo si heredes et executores non habeant, per omnes terras etc. Ita etc. a die Sancti Michaelis in xv dies cum omnibus compotum suum tangentibus ad faciendum visum compoti de scutagiis predictis de tempore quo assignati fuerunt per commissionem domini regis Edwardi nuper regis Anglie patris regis nunc ad dicta scutagia colligenda, necnon ad solvendum nobis omnes denarios quos levaverunt de scutagiis predictis. Et habeat hic tunc nomina heredum executorum etc. Teste H. le Scrop' xxx die Iulii. Per originalia de anno viii<sup>o</sup> dicti regis Edwardi patris.'

<sup>2</sup> Writs for 4 Edw. II were directed to the collectors in Beds. and Bucks., War. and Leic., Oxon. and Berks., Rutland, Kent, and Hunt., Wilts., Hants, Derby, Devon, Somerset and Dorset, Essex and Herts., Lancs., Glouc., Norf. and Suff., Salop and Staff., Lincoln, Northants, Yorks., Cornwall. For 28, 31, and 34 Edw. I to collectors in Cumberland; Rutland, Northumberland, Lancs., Glouc., Lincoln, Northants, York, Cornwall.

<sup>3</sup> *Cal. of Fine Rolls*, ii and iii, *passim*. Typical excuses for withdrawal are 'having no leisure to attend to the premises', 'being unable to attend thereto', &c. For evidence of the personal risks run by collectors see *Cal. of Patent Rolls*, 1324-7, p. 225. Commission of oyer and terminer for John de Liston, collector of scutage in Essex, whose manor was attacked and looted by the mob; the money collected by him on account of the scutage being stolen. *Et supra*, p. 25.

<sup>4</sup> Writs for 28, 31, 34 Edw. I were directed to the collectors in Essex and Herts., Warwick and Leicester, Devon, Salop and Staff., Westmorland, Norfolk and Suffolk, Hereford, Kent and Hunt., Hants, Oxon. and Berks., Somerset and Dorset, Beds. and Bucks., Cornwall, Worcester, Yorks., Notts. and Derby, Surrey and Sussex. For 4 Edw. II Hereford, Nottingham, Worcester, Surrey, and Sussex. The form of the writ was as follows: 'Preceptum sit vicecomiti quod de bonis et catallis A.B. et C.D. nuper collectorum scutagiorum Scocie de annis regni domini Edwardi quondam regis Anglie avi Regis nunc xxviii<sup>o</sup>, xxxi<sup>o</sup> et xxxiiii<sup>o</sup> in comitatu predicto et de terris et

collectors in virtue of chancery writs *de supersedendo* issued to tenants who had served or fined.

It would appear therefore that the exchequer, despairing of compelling payment of scutage by tenants who considered their obligations to the Crown already discharged, decided in 1334 to set aside indefinitely the vexed question of the incidence of the scutage, and to concentrate its attention upon the collection of those sums about which there was no dispute. This task was in itself a sufficiently onerous one. The length of time which had elapsed since the collection of the various levies was first undertaken had hopelessly complicated the business. In many cases the collectors themselves were dead and the necessary transactions had to be carried on with their heirs and successors, while every year the information as to knights' fees was becoming more and more inaccessible. The Memoranda Rolls from 1335 onwards show that a few of the collectors who had been summoned by the writs of 30 and 31 July obediently appeared before the exchequer to make their view of account ;<sup>1</sup> while small sums were from time to time forthcoming from the sheriffs who had been entrusted with the levying of the debts still outstanding 'de remanencia visus compoti'.<sup>2</sup> Edward III, hard pressed for funds for the prosecution of the French war, urged upon the exchequer, before his departure for Flanders in 1338, a vigorous policy with regard to the collection of the royal debts, including the arrears of the scutages imposed by his predecessors.<sup>3</sup> The process was, however, a slow and unprofitable one, and subsequently Edward abandoned it in favour of the sale of pardons. On 27 September 1339 he empowered the young Prince Edward, nominal keeper of the realm, together with a number of the leading lords of the council in England, to grant for a reasonable fine, 'ou pur autre covenable aide avoir', pardon and release of scutage and aids.<sup>4</sup> The tenants in chief were not satisfied with this concession. In the parliament of October 1339 they demanded, as one of the conditions of a money grant, the free

tenementis que sua fuerunt in feodo in quorumcumque manibus nunc existant in balliva sua fieri faciat—li' quas regi debent de remanencia visus compoti sui de scutagiis predictis. Ita quod denarios illos etc. in xv<sup>a</sup> Sancti Michaelis regi solvendo et hoc breve. Teste H. le Scrop'. xxx die Iulii. Per visum compoti per predictos A.B. et C.D. nuper ad scaccarium factum qui est in custodia Rememoratoris Thesaurarii.'

<sup>1</sup> e.g. Derby. Exch. Mem. Roll, Lord Treas. Rem., no. 109, 11 Edw. III, Stat. et Vis. Comp. Mich.; cf. Exch. Mem. Roll, Lord Treas. Rem., no. 110, Records, Mich., m. 8 d, &c. The collectors of 4 Edw. II in Bucks., Leicester, Hertford, and Gloucester appear and deny that the commissions ever came to their hands, &c.

<sup>2</sup> e.g. Norfolk and Suffolk. Exch. Mem. Roll, Lord Treas. Rem., no. 89, Stat. et Vis. Comp. Mich.

<sup>3</sup> Rymer, *Foedera*, II. ii. 1049; cf. D. Hughes, *Early Years of Edward III*, pp. 46 seq.

<sup>4</sup> Rymer, II. ii. 1091.

pardon of all debts of long standing, including scutage ;<sup>1</sup> and when their petitions were not accepted, dispersed without voting the desired subsidy. In April of the following year the commons renewed their demands, and Edward, in his urgent need for money, found himself obliged to yield. Under a statute of 1340 he conceded to the people of his realm, 'by the cause of the evil times of war . . . and of the great costs and aids that they have done to him in sundry wise', release and pardon (i) for all manner of debts and arrears of fermes and accounts before the beginning of the tenth year of his reign ; and (ii) for all profits of justice, reliefs, and 'escuages' arising before his passage to Brabant, 'quod quidem passagium fuit xvi die Iulii anno xii<sup>o</sup> huius regis'.<sup>2</sup> Medieval legislation was rarely effective, but there are numerous instances of the actual application of this statute,<sup>3</sup> which brought to an end the long-continued attempt to levy the scutages of Scotland of the time of Edward I and his successor.

Accounting in the case of the scutages of 28, 31, and 34 Edward I and of 4 Edward II seems, therefore, never to have progressed beyond the 'view' stage. We have the authority of the Exchequer Ordinance of 1326 for the statement that no final accounts had at that time been rendered, while the Memoranda Rolls afford ample evidence that the dispute as to the incidence of the scutage was still hindering the dispatching of the business as late as 1334. There remains to be considered the brief period between 1334 and the final pardon of all scutage debts by the statute of 14 Edward III. Was any attempt made during those years to effect a solution of the problem and to secure the completion of the accounts ? In the absence of any evidence to support such a view, the answer may safely be given in the negative. Not only are there no documents relating to the scutages among the extant enrolled accounts of the exchequer, but neither the Memoranda nor the Chancery Rolls of the period offer any indication of an advance upon the conditions of 1334. The references which they contain are solely to the views of account ;<sup>4</sup> the phrase 'de remanencia visus compoti' occurring

<sup>1</sup> *Rot. Parl.* ii. 105.

<sup>2</sup> 14 Edw. III, stat. i, c. 2 (*Statutes of the Realm*, p. 283) ; c. 3. Exch. Mem. Roll, Lord Treas. Rem., no. 112, Rec. Easter, m. 4 ; cf. *ibid.*, Brev. Ret. Mich. : 'Set Rex nunc perdonavit omnia scutagia sibi debita tam de tempore suo quam de temporibus progenitorum suorum, usque transfretationem huius regis in Brabanciam . . . quod quidem passagium fuit xvi die Iulii anno xii<sup>o</sup> huius regis.'

<sup>3</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 89, Stat. et Vis. Mich. ; nos. 112, 113, Brev. Ret., *passim*.

<sup>4</sup> e.g. 'per rotulos de visibus de huiusmodi scutagiis qui sunt in бага de scutagiis in custodia Rememoratoris Thesaurarii' (Exch. Mem. Roll, Lord Treas. Rem., no. 111, Brev. Ret. Trin.).

regularly where normally 'de remanencia compoti' would have been employed. A satisfactory settlement of the scutage problem was, in fact, by this time impracticable. On the one hand, an unequivocal rejection by the exchequer of the claim of the tenants in chief to be quit of scutage in virtue of service or fine would merely have entailed a return to that policy which baronial opposition had, during the preceding forty years, rendered impossible of enforcement. On the other hand, an acknowledgement of the justice of the baronial claims would have amounted to an open surrender by the exchequer upon a point which it had been struggling for half a century to maintain. This dilemma the Crown succeeded in avoiding by postponing indefinitely a final pronouncement upon the question at issue; but the policy adopted in 1334 and 1335 amounted to a tacit admission of defeat, which was confirmed by the statute of 1340.

The somewhat complicated story of the progress of the levies may best be illustrated by reference to a single county or county-group. The various stages in the process of collection of the scutages of 28, 31, and 34 Edward I are particularly well marked in the case of the county-group of Norfolk and Suffolk. Under the commissions of 3 and 28 November 1314, Robert de Reydon, Robert Burguillon, and Richard de Walsingham were appointed to levy the scutages of Scotland of Edward I's reign in the eastern counties. In the Michaelmas term of 12 Edward II Robert de Reydon appeared by attorney at the exchequer and made the view of account.<sup>1</sup> The collectors charged themselves with a total of £791 4s. 6d., but they were granted respite 'usque super compotum' for £465 9s. 8d. 'de diversis quorum quidam fecerunt finem pro serviciis suis et quidam servicia sua etc. unde ostendunt brevia de supersedendo'. The sum which was admittedly due to the Crown therefore was only £325 14s. 10d., or considerably less than half the sum total. Of this the collectors claimed acquittance for £38 13s. 4d. levied by the sheriff of Norfolk and Suffolk towards the scutages of the twenty-eighth and thirty-first years during 35 Edward I, and for various sums totalling £192 5s. 5d. which they themselves had paid in the eighth, ninth, and eleventh years of Edward II respectively; so that, excluding the large sum respited, there remained owing 'de remanencia visus compoti' in 12 Edward II £94 16s. 1d. Robert de Reydon announced his inability, in view of the fact that both his colleagues were engaged upon the collection of taxes and other business of the Crown, to levy this debt, and it was accordingly agreed that the work should be entrusted to the sheriff. Between 12 Edward II and 9 Edward III, however, it would appear that the debt was reduced by no more than 40s.

<sup>1</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 89, Stat. et Vis. Mich.

In the meantime, in October 1328, the heirs of Robert de Reydon and Robert Burguillon were given a day to appear at the exchequer to render their final account. On their appearance it was found impossible to conclude the business '*quia nondum ordinatur qualiter compoti scutagiorum recipi debent*',<sup>1</sup> and it was adjourned repeatedly until Michaelmas 1334, when the summons upon them was suspended until the exchequer should have reached a final decision with regard to the incidence of the scutage.<sup>2</sup> In the Trinity term of the following year the sheriff of Norfolk and Suffolk was ordered to levy from the lands and chattels of the collectors or their heirs the £92 16s. 1d. still due from their view of account,<sup>3</sup> and between 9 and 12 Edward III the debt was reduced by various means to £43 2s. 9d. Finally, two years later this sum was pardoned '*tam versus debitores quam versus collectores*', under the statute of 1340.<sup>4</sup> To the £465 9s. 8d. respited in 12 Edward II there is no further reference, nor is there any evidence that accounting progressed at any time beyond the view stage.

In the history of the levy of 4 Edward II the case of the county of Surrey is of peculiar interest. In 1319 William Husee and William de Weston were appointed to collect the scutage of Scotland of 1310, at the rate of 2 marks the fee, from fees held of the king in chief in their bailiwick. In their view of account<sup>5</sup> they charged themselves with the extremely insignificant total of £31 16s. 2½d., and of this they claimed respite for £20 7s. 6½d., thus leaving £11 8s. 8d. only, admittedly due to the Crown. In the Michaelmas term of 10 Edward II they paid in £8 of the amount which they acknowledged,<sup>6</sup> and in the following year wiped off their debt completely by paying in the remaining £3 8s. 8d.<sup>7</sup> During Michaelmas term, 4 Edward III, after repeated summonses, William de Weston appeared at the exchequer and actually began his final accounting, but was unable to finish during the term. In the following session (Hilary) he appeared again '*paratus ad percomputandum*', '*et quia barones volunt plenius deliberare cum iusticiis et aliis de consilio domini regis antequam procedatur ulterius ad audicionem compoti supradicti*', the hearing was adjourned,<sup>8</sup> and continued to be

<sup>1</sup> Exch. Mem. Roll., Lord Treas. Rem., no. 101, Dies Dati, Mich., m. 64 d.

<sup>2</sup> *Ibid.* no. 106, Dies Dati, Mich., m. 64 d.

<sup>3</sup> *Ibid.* no. 107, Brev. Ret. Trin., m. 48 d.; no. 108, Brev. Ret. Trin. m. 141.

<sup>4</sup> *Ibid.* no. 89, Stat. et Vis. Mich.: '*Postea cesset executio tam versus debitores quam versus collectores, pretextu statuti irrotulati in memorandis de anno xiiii<sup>o</sup> regis Edwardi tercii post conquestum inter recorda de termino Pasche, in quo continetur quod rex perdonavit huiusmodi scutagia.*'

<sup>5</sup> Probably rendered about 16 Edw. II.

<sup>6</sup> Receipt Roll, no. 241, Mich.

<sup>7</sup> *Ibid.* no. 245, Mich.

<sup>8</sup> Exch. Mem. Roll., Lord Treas. Rem., no. 103, Dies Dati, Mich., m. 93.

postponed until 1334, when the summonses for final accounting were suspended.<sup>1</sup> In the following year the sheriff of Surrey was directed to levy from the goods and chattels, lands and tenements of William de Weston and William Husee 68s. 8d. 'que regi debent de remanencia visus compoti sui', but it was subsequently discovered that the money had already been paid—'ideo quoad ipsos dictum breve revocatur et cesset'.<sup>2</sup>

Of particular importance in connexion with the levy of scutage in this county is a document preserved among the Subsidy Rolls of the exchequer.<sup>3</sup> It consists of a single membrane inscribed on both sides with the particulars of account of the collectors. The contents fall into two broad divisions. There are first the entries concerning the fees for which the collectors respond for scutage, and there are secondly the entries concerning those fees for which 'non respondent'. The reasons given for failure to respond are four in number. In the majority of cases the king's writ<sup>4</sup> is adduced, or the king's writ 'pro regina';<sup>5</sup> in yet other instances collection is declared to have been impossible, owing to the fact that since the date of the summons the land had come into the king's hand; while in a few cases inability to ascertain by inquisition or otherwise the services by which certain lands are held, is alleged in excuse for non-payment. Against every item for which the collectors 'non respondent', with the single exception of those lands for which the amount of service was unknown, there is written in a different hand: 'Tamen hic super compotum per consideracionem baronum onerantur de . . . li. de predictis . . . feodis, ut respondeant ad plenum'. The whole document is then scored through in the manner usually indicating that the contents have been enrolled. Have we here, as an exception to the general rule that no progress was made beyond the view of account, an instance of final accounting? The answer to this question must depend mainly upon the date at which the above interpolations were made. Do they belong to the period before or after 1334? A decision upon this point from purely internal evidence is virtually impossible, but since the records of the years between the concession of 1334 and the pardon of 1340 afford no evidence of any renewed attempt upon the part of the exchequer to insist upon final accounting, the document may with some confidence be assigned to the preceding period. It would seem at least

<sup>1</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 104, Dies Dati, Mich., m. 88 d; no. 105, Dies Dati, Mich., m. 62 d; no. 106, Dies Dati, Mich., m. 85 d.

<sup>2</sup> *Ibid.* no. 107, Brev. Ret. Trin., m. 148 d.

<sup>3</sup> Subsidy Roll 184/2.

<sup>4</sup> i. e. writ *de supersedendo*.

<sup>5</sup> Exch. Mem. Roll, Lord Treas. Rem., no. 89, Brev. Bar., Trin., m. 113. Queen Isabella had been specially granted the scutage from lands held of her by the king's gift, &c.

highly probable that the interpolations belong to the fourth or fifth years of Edward III, when the collectors in Surrey actually began to account, and that they explain the interruption of the accounting in the Hilary term of 1331.<sup>1</sup> It may be supposed that the exchequer then attempted, in accordance with the policy which it had been consistently endeavouring to enforce during more than forty years, to insist upon payment of the scutage hitherto respited, but that, owing to the resistance of the collectors, it was obliged to temporize, and to take refuge in the repeated adjournments which finally culminated in 1334 in the tacit abandonment by the exchequer of its unsuccessful attempt to convert the 'scutagium' into an 'auxilium'.

The levy of 4 Edward II does not represent the last attempt to raise a general scutage. Edward III sought, on at least one occasion during his reign, to exact a scutage on his own account. The pecuniary embarrassments resulting from the outbreak of war with France in 1337 led the king to a final effort to revive the expiring feudal rights of the Crown. The feudal army had been called out in full for the expedition against the Scots in 1327, during the régime of Isabella and Mortimer. By writs issued on 5 April 1327 all tenants in chief had been directed to have their due service at Newcastle-on-Tyne by 'the Monday before the Ascension next' (18 May).<sup>2</sup> On 26 April the treasurer and barons of the exchequer had been duly authorized to accept fines from tenants who were unable or unwilling to serve, at the rate of £20 the fee,<sup>3</sup> and the proffers made amounted, according to the official reckoning, to £778.<sup>4</sup> Ten years later it was decided to put in charge the scutage properly due to the king in connexion with the army of his first year. On 10 October 1337 commissions were therefore issued on the model of those of the preceding reign, appointing two or more collectors for each of the counties of England, and providing for the holding of inquisitions to ascertain the fees from which scutage was due to the king.<sup>5</sup> A Scutage Roll for this army is extant, but it contains only two grants for 1 Edward III to the abbots of Ramsey and of Glastonbury respectively, both of whom fined for their service in 1327. It includes further a series of writs providing for the

<sup>1</sup> Compare the case of the collectors of 28, 31, 34 Edw. I in Wiltshire, who in 1327 reported that their account had already been heard by W. de Broklesby, appointed for that purpose, 'set predictus compotus nondum acceptatur a curia propter aliquas difficultates in eodem compoto habitas'. They were further adjourned until the court should have deliberated (Exch. Mem. Roll, Lord Treas. Rem., no. 100, Dies Dati, Mich.). Their draft account, which is extant among the Subsidy Rolls (no. 242/67), contains numerous marginal entries of 'breve', 'loquendum', &c. Cf. Subsidy Rolls 87/1, 239/247, 242/69, &c.

<sup>2</sup> *Cal. of Close Rolls*, 1327-30, p. 118.

<sup>3</sup> Exch. Lord Treas. Rem., Misc. Roll 1/13, m. 15.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Cal. of Fine Rolls*, 1337-47, pp. 52-4.

collection by the sheriffs of the scutage due from the military tenants of the little Prince Edward.<sup>1</sup> The imposition by the Crown of a new levy was, on account of the protracted and still unsettled controversy over the earlier scutages, intensely unpopular, and was made the subject of an urgent petition in the parliament which met in February 1338. The king, in view of the timely grant of a subsidy by his faithful commons 'et habita consideracione ad diversa onera que eadem communitas sustinet hiis diebus', was persuaded to recall the writs of collection, and to supersede the levy 'quamdiu nostre placuerit voluntati'.<sup>2</sup> Writs to that effect were accordingly issued to the collectors on 16 February 1338, with the proviso that any sums already collected should be duly accounted for.<sup>3</sup> The Subsidy Rolls of the exchequer include the returns made during 11 and 12 Edward III by the collectors in nine counties,<sup>4</sup> but in no case was any money paid in.<sup>5</sup> That the idea of a levy was not immediately abandoned is, however, proved by a writ of September 1338, which directed the treasurer and barons, together with the chamberlains, to search the rolls, books, and other memoranda remaining at the exchequer or in the treasury, and to certify the king 'ad quam summam scutagium per totum regnum nostrum de singulis feodorum militum que inde onerari debent, si ad opus nostrum levaretur, attingeret, capiendo de scuto quadraginta solidos'.<sup>6</sup> In view of the difficulty encountered in the levy of the scutages of Edward I and Edward II, and 'for that there is no certain remembrance to be found at the exchequer of the king's fees',<sup>7</sup> it may safely be concluded that no serious attempt was made to furnish the returns demanded by the chancery in 1338. Two years later the widespread opposition aroused by the feudal policy of the Crown resulted, as noted above, in the pardon of all scutages arising before the king's passage to Brabant, including therefore the projected levy in connexion with the Scottish expedition of 1327.

The statute of 1340 may be regarded as marking the end of

<sup>1</sup> Scutage Roll, no. 13.

<sup>2</sup> There is no Parliament Roll extant for this session. The above details are derived from the writ mentioned below.

<sup>3</sup> Rymer, *Fodera*, ii. ii. 1013.

<sup>4</sup> Subsidy Rolls 173/9, 192/9, 242/110, 87/6, 130/4, 240/297, 202/38, 91/6 a, 90/8, Hants, Warwick, Westmorland, Cornwall, Lancaster, Northumberland (entered in Public Record Office List under 'county unknown', but identifiable by names of collectors), East Riding of Yorks., Derby, Cumberland. Cf. *Deputy Keeper's Report*, ii, app. 2, p. 143.

<sup>5</sup> The formula runs: 'De aliquibus denariis . . . non respondit eo quod propter brevitatem temporis nichil levavit nec levare potuit ut dicit per sacramentum suum.'

<sup>6</sup> Exch. Mem. Roll, King's Rem., no. 115, Writs to Barons, Mich., m. 3 d; Hughes, p. 64.

<sup>7</sup> *Red Book*, iii 961.

the attempt by the Crown to insist upon its right to scutage. Henceforward we have no record of any general levy. In 1385 Richard II summoned the feudal host to Newcastle<sup>1</sup> to avert a threatened Franco-Scottish invasion. Parliament was careful to provide against a possible revival of the royal claims in this connexion, and in the following year secured assent to a petition couched in the following terms: 'Item si nule escuage soit chalangeable pur cest vostre gracious primer viage fait par vous en Escoce, soit de vostre tres gracious et benigne grace pardone.'<sup>2</sup> The scutage continued to find a place in charters granting immunity from various forms of taxation as late as the reign of Henry V,<sup>3</sup> while it is mentioned in a general pardon issued by Henry VI in 1455,<sup>4</sup> and in the grant of the principality of Wales, the earldom of Chester, and the duchy of Cornwall by Henry VI to Prince Edward in 1459<sup>5</sup> and by Edward IV to his first-born son in 1472.<sup>6</sup> Such references were, however, purely formal. By the end of the fourteenth century tenure by knight service had ceased to provide the Crown with either an army or its pay, although it was not until 1661 that the obsolete feudal military organization was finally abolished.<sup>7</sup> HELENA M. CHEW.

<sup>1</sup> Rymer, *Foedera*, vii. 473-4. The writs were issued in June 1385 and appointed a muster at Newcastle on 14 July.

<sup>2</sup> *Rot. Parl.* iii. 213.

<sup>3</sup> *Cal. of Charter Rolls*, vol. v, *passim*.

<sup>4</sup> *Ibid.* pp. 353-63.

<sup>5</sup> *Rot. Parl.* v. 284.

<sup>6</sup> *Ibid.* vi. 9-15.

<sup>7</sup> My thanks are due to Professor F. J. C. Hearnshaw and Mr. Hilary Jenkinson for much kind help in the preparation of this article.

## *Council, Star Chamber, and Privy Council under the Tudors*

### III. THE PRIVY COUNCIL

WE have now dealt with the Tudor council down to the definite organization of an inner ring in 1540 and with the continuation of the parent stem in the star chamber down to the end of the Tudor period. Before discussing the third branch of our subject, the privy council, it is necessary to say something of the counsel who were left outside both the star chamber and the privy council, people whose vague and fluctuating position was indicated, during the fifteen-forties and fifteen-fifties, by such phrases as 'ordinary counsellors' and 'counsellors at large'. The king's counsel learned in the law do not require attention from a constitutional point of view; they became a permanent part of the hierarchy of the legal profession but not of the constitution. We also hear little of the king's or queen's spiritual counsel or spiritual learned counsel after the exigencies which brought them into prominence under Henry VIII had passed away. But there were other counsel who were not absorbed by the privy council nor regularly taken as commissioners into the star chamber; and, indeed, it is clear that since Mary had a privy council of nearly fifty, and Elizabeth one of less than twelve, the character of the privy council had not been finally settled by the order of 10 August 1540.

That order was to the effect 'that there shulde be a Clerk attendaunt upon the sayde Counsaill', and Sir Harris Nicolas was puzzled by the circumstance and formality of the order, creating, as he remarks, a 'strong presumption that a Clerk of the Council was then appointed for the first time . . . whereas it is certain that precisely the same duties were performed by the Clerks of the Council in the reigns of Henry the Fourth, Fifth, and Sixth', &c.<sup>1</sup> He fell into the trap which he had laid himself when he entitled his collection proceedings of the 'privy' council, and failed to realize that the successors of these fifteenth-century clerks of the council were the clerks of the council in the star

<sup>1</sup> *Proceedings*, VII. ii.

chamber and not the clerks of the privy council who begin in a regular series with the appointment of Paget on 10 August 1540. The minute of that date incidentally remarks that this step was taken 'by the advise of his Highnes Pryvey Counsaill whose names hereafter ensue', and there follows a list of nineteen privy counsellors with such offices as they held carefully detailed.

This list corresponds almost exactly with a list of privy counsellors which can, by a process of exclusion, be deduced from a list<sup>1</sup> of 'counsellors learned with other counsellors at large' who were appointed on 1 January 1540 to attend upon Anne of Cleves; for it is safe to assume that Cromwell, Cranmer, Norfolk, Suffolk, Audley, Oxford,<sup>2</sup> Southampton, Sussex, Hertford, Russell, Sandys, Bishops Gardiner, Tunstall, Sampson, and Clerk, Sir T. Cheyney, Sir Anthony Browne, Sir Ralph Sadler, and Sir A. Wingfield do not occur among the counsellors learned and other counsellors at large because they belonged to the higher category of privy counsellors. There was therefore a privy council before there was a privy council book, and its existence may go back some years, though probably not as far as the ordinances of 1526.<sup>3</sup> Its continuity with the privy council named in August 1540 is apparent. From the nineteen whose names we have given four dropped out before 10 August, Cromwell by execution, Oxford by natural death, and Bishops Clerk and Sampson<sup>4</sup> by exclusion. To fill their places four have been promoted from counsellors learned or counsellors at large, viz. Sir John Baker, who had been appointed chancellor of the exchequer *vice* Cromwell, Sir Richard Rich, chancellor of the court of augmentations, Sir William Kingston, comptroller of the household, and (Sir) Thomas Wriothesley, one of the two principal secretaries.<sup>5</sup> The privy council of nineteen appears, indeed, to go back to 1537; for on New Year's Day 1538 under the head of 'the council', in a list of persons to be benignly

<sup>1</sup> *Letters and Papers*, xv. 5.

<sup>2</sup> John de Vere, fifteenth earl of Oxford, is mentioned as a councillor with Audley, Norfolk, Suffolk, Sussex, and Hertford, on 16 September 1539 (*ibid.* xiv. ii. 183). He died on 20 March 1540 (*ibid.* xv. 380).

<sup>3</sup> The circumstance that no copy of those ordinances, signed by the king as they required, has been found suggests that the king may never have approved of Wolsey's scheme.

<sup>4</sup> Clerk was absent throughout the summer and autumn of 1540 on an embassy to the duke of Cleves, was taken ill at Calais in November, and returned to England at the end of the year to die on 3 January 1541. Sampson had been imprisoned in the Tower in May (*Letters and Papers*, xv. 719, 758), and, though liberated after Cromwell's fall, was excepted from the statutory pardon of 1540 and deprived of some ecclesiastical benefices. He was made bishop of Coventry and Lichfield in 1543, but was never sworn of the privy council.

<sup>5</sup> Kingston, Rich, and Wriothesley appear to have helped Cromwell to his fall and to have been promoted as a result.

remembered by the king, occur the names of fourteen, who with three exceptions correspond with the lay members of the privy council of 1 January 1540. The marquis of Exeter had been beheaded, Shrewsbury had died, and Sir W. Kingston appears in the later list as a 'councillor at large'; their places had been taken by Browne, Sadler, and Wingfield. The same five bishops bring up the number to nineteen. In 1538 there was a privy council of sorts, but it was larger than nineteen; ten of its members were left with the queen in London during the Pilgrimage of Grace, and they included several, like Rutland, Windsor, Weston, and Tuke, who were excluded when the more rigorous selection of privy councillors was made for the king's benign remembrance in 1537 and for inclusion in the lists of 1540.<sup>1</sup>

This privy council of nineteen definitely left out a number of mere counsellors, including such old and tried officials as Sir John Dauncy and Sir Brian Tuke,<sup>2</sup> and rising politicians like the future duke of Northumberland, marquis of Winchester, and marquis of Northampton, (Sir) William Petre, and (Archbishop) Heath. It also excluded Edward Lee, archbishop of York,<sup>3</sup> and nearly all the members of other councils like those of Ireland, the north, Wales, and Calais; even their presidents, Holgate of the north, and Roland Lee of Wales, found no place, though Tunstall, in spite of his distant bishopric of Durham, was included and frequently attended. Sir Philip Hoby's advice of 1538 to draw the council closer together was followed by the exclusion from the privy council of counsellors 'at large' and 'ordinary' counsellors; and though his recommendation 'to avoid spiritual men therehence' was not followed with equal rigour, the nineteen original privy councillors include but three ecclesiastics, Cranmer, Gardiner, and Tunstall, to whom were later added Thirlby, bishop of Westminster, founded on monastic spoil, and Nicholas Wotton, who was doubly-dyed a dean—*sine cura animarum*—of Canterbury and of York and resolutely *non* *episcopari*. Their exclusion from the privy council did something to promote the residence of bishops in their sees.

<sup>1</sup> *Letters and Papers*, xi. 580 [3], xiii. i. 1; on the other hand, Wolman, who had been included in 1526, is specifically excluded in 1536, being only 'of the queen's council'.

<sup>2</sup> Dauncy had held various posts in the exchequer since Henry VII's reign, and Tuke had been master of the posts, French secretary, clerk of the parliaments, and treasurer of the chamber; he had been styled privy councillor in 1529 (*Letters and Papers*, iv. 5586).

<sup>3</sup> One attendance by Lee is, however, recorded (Dasent, *Acts of Privy Coun.* 1542-7, p. 24). Bonner, in spite of his diplomatic experience and his proximity in London, was left out of the privy council by Henry VIII, Edward VI, Mary, and Elizabeth with singular unanimity. Not less strange is the omission of Sir William Paulet, who had been made comptroller of the household in 1522, treasurer in 1537, Baron St. John in 1539, and master of the court of wards and lives in 1540. He was, however, admitted to the privy council in 1542.

The line thus firmly drawn had therefore been a work of time. There was a privy council consisting of nineteen members in 1539, if not before. Sir Robert Wingfield's letter of 1534/5 referring to his twenty years' membership of the king's council and fourteen years' membership of his 'private' council shows that some distinction had existed some years earlier, though it should not be assumed that the king's 'private' council, to which Wingfield refers, bore much resemblance to the privy council of 1540.<sup>1</sup> Thomas Derby's official designation as clerk to the privy council in 1538 stands on a different footing, and there is other evidence to show that before 1539 there was a definite council which was beginning to be called the privy council. The council dinners in the star chamber, the cost of which exercised Burghley's frugal mind in 1590, were an established institution early in Henry VIII's reign, and they imply some kind of selection.<sup>2</sup> The fact that the council dined there nearly every day, except Sundays, in term-time in 1524 leaves it doubtful how far its business was judicial or political, and Hudson naturally claims this activity for his court of star chamber.<sup>3</sup> But at the crisis of Wolsey's fate in September 1529, during vacation, we read of the council sitting all the forenoon and 'till it was dark night', and in October 1532 the council which Henry left in London while he went to Boulogne sat 'at Westminster every day either in the star chamber or in the council chamber'.<sup>4</sup> In April 1538 the council was sitting 'daily with the French and Imperial ambassadors, often from morning till night, so that no suits can be heard', and in May there was still 'no news but that the council sits daily'. Again in October there is 'no news but that the council sit most of the day', and the phrase is repeated a fortnight later.<sup>5</sup> The judicial work of the council in the star chamber was correspondingly delayed, and the Lisle and other letters of the time are full of

<sup>1</sup> *Letters and Papers*, vii. 1525, viii. 225. In the second letter Wingfield says 'privy' council, but the fact that he wrote from Calais, where he lived during almost the whole of his fourteen years as a 'privy' councillor, indicates the absence of meaning from his use of the term. No confirmation has been found of his other claim to have been vice-chamberlain, and by 1535 he was a vain and garrulous old man who had never possessed any weight in the king's counsels. In the new edition of the *Letters and Papers* (i. ii. 3499 [40]) the description of Wolsey as *intimus conciliarius* in 1514 is translated 'Privy Councillor'; but this, too, is reading into the Latin original more than it will properly bear. Kings had intimate counsellors centuries before the privy council.

<sup>2</sup> An account of seventeen dinners in 1509 is in Lansd. MS. 1, art. 49. It is said in the catalogue and by Bruce (*Archaeologia*, xxv. 356) to be signed by Wolsey as bishop of Durham; but Wolsey did not become bishop of Durham until 1523, and Thomas Dunelmensis is no doubt his predecessor Thomas Ruthal. For Burghley's investigation see Lansd. MS. 1, art. 44, and Scofield, pp. 70-2, and for other accounts *Letters and Papers*, i. (new ed.) i. 1247, iii. lxix-lxx, iv. 1097, xvi. 1468.

<sup>3</sup> *Ibid.* iv. 1097; Hudson, *Collectanea Iuridica*, ii. 219.

<sup>4</sup> *Letters and Papers*, iv. 5953, v. 1472.

<sup>5</sup> *Ibid.* xiii. i. 659, 953, ii. 605, 703.

complaints on the subject. Politics were clearly absorbing all the council's time, and it is not surprising to find in the king's payments for the first quarter of 1538 the first instalment of the salary of a clerk of a privy council whose business should be distinguished from that of the star chamber.

It was not only with foreign politics that this privy council was concerned in 1539. Cromwell on one side and Gardiner and Norfolk on the other were engaged in a bitter contest over the parliamentary elections for that year, which was fought most strenuously in the two opposition spheres of influence in Norfolk and Hampshire and was reflected at the council-table. In March Cromwell hoped 'to arrange so that the king had never a more tractable parliament';<sup>1</sup> but in April there was a rumour that he was to be committed to the Tower.<sup>2</sup> The parliament he had tried to pack adopted the Act of Six Articles, and in September Bucer reports from Strassburg that 'the crafty bishop of Winchester bears rule'.<sup>3</sup> Unless Cromwell took care, opined an English protestant in October, Gardiner and Tunstall (who 'did more hurt by his stillness, soberness, and subtlety' than Gardiner with his wit, boldness, learning, and 'corrupt judgement') would 'have him out'.<sup>4</sup> But Gardiner was still said to be excluded from court and public business;<sup>5</sup> the execution of the Act of Six Articles was suspended, and the Cleves marriage project adopted. But in December Tunstall was attending the privy council, and Southampton, Sir A. Browne, and Sir William Kingston 'had put it into the king's head that there was no man so fit to have the doings of the king's affairs' as the bishop of Durham.<sup>6</sup> On the 31st Henry VIII saw Anne of Cleves; in February 1540 Gardiner and Dr. Barnes, for calling whom a heretic Gardiner had been excluded from the privy council in August, had a theological disputation, and Barnes was sent to the Tower. On 10 April Cromwell was reported by the French ambassador to be tottering. He had vainly endeavoured to keep Norfolk away from court on the ground of infection in his household; Gardiner, Tunstall, and Bishop Clerk had been readmitted to the privy council, and Tunstall was mentioned as Cromwell's successor as vicegerent and Clerk as privy seal. But parliament met on the 12th, Cromwell was created earl of Essex and lord high chamberlain (in succession to Oxford), in May Sampson was sent to the Tower, and Cromwell was threatening five other bishops with a similar fate. Things are brought to such a pass,

<sup>1</sup> *Letters and Papers*, xiv. i. 538.

<sup>2</sup> *Ibid.* 823.

<sup>3</sup> *Ibid.* ii. 186.

<sup>4</sup> *Archæologia*, xxiii. 56 *et seq.*; *Letters and Papers*, xiv. ii. 141.

<sup>5</sup> He and Sampson, bishop of Chichester, were said (*ibid.* xiv. ii. 280) to have been excluded from the privy council 'in the progress time' (i. e. in August).

<sup>6</sup> *Ibid.* pp. 279-82.

wrote the French ambassador, that either Cromwell's party or that of the bishop of Winchester must succumb.<sup>1</sup> Protestant scandal had it that Gardiner solved the problem by providing Henry VIII with Catherine Howard.<sup>2</sup> Cromwell was arrested at the council board on 10 June and executed on 28 July. He was succeeded as lord privy seal by Southampton, as lord high chamberlain by Sussex, and as chancellor of the exchequer by Sir John Baker; but the leaders of the party who came into power were Gardiner, who summed up his theological position in the words 'because it is used, it is right to use it',<sup>3</sup> and Norfolk, who avowed that he 'had never read the scriptures, nor never would, and it was a merry England before this new learning came up'.<sup>4</sup>

If the privy council rocked with these violent oscillations, an ordinary council would have gone to pieces; and England's passage through the Reformation without a religious war was largely due to the monarchy acting through a council which was neither 'ordinary' nor 'at large'. The compactness of the privy council left little room, and its activities left little scope, for the excluded councillors unless they were lawyers and found a subordinate sphere in the star chamber. The phrases 'ordinary council' and 'council at large', invented or revived in Henry VIII's reign to mark the growing distinction between privy councillors and others, continue in occasional use for another twenty years, but hardly beyond the period at which the whole of the council of 1530-40 had either been taken into the privy council or had died; and, apart from legal councillors, the practice of swearing in ordinary counsel seems to have been abandoned.<sup>5</sup> Even during this brief period the 'ordinary' council had no organization and no political importance; it was allowed no clerk, kept no council-book, and, indeed, never met. Occasionally, when the king was on progress or abroad and the privy council was divided into counsel in London and counsel with the king, one or two ordinary councillors were called in to reinforce

<sup>1</sup> *Letters and Papers*, xv. 442, 485-6, 498, 541, 719, 736-7, 765.

<sup>2</sup> *Ibid.* xvi. 578; *Zurich Letters* (Parker Soc.), i. 200, Richard Hilles to Bullinger.

<sup>3</sup> *Letters and Papers*, xvii. 803.

<sup>4</sup> *Ibid.* xvi. 101.

<sup>5</sup> On 4 August 1553 Sir T. Pope, who had been ordinary councillor under Henry VIII, was sworn 'of the Quenes Councell at large', on 23 September 1556 Boxall, warden of Winchester College, was also 'sworne and admitted oone of the King and Quenes Majesties' counsaill at large', and on 21 December following one of the privy council (*Acts of Priv. Coun.* iv. 419, v. 359, vi. 33). In 1540 these ordinary councillors or councillors at large formed, not a minority as Professor Baldwin thinks (*King's Council*, p. 451), but a considerable majority of the whole council. Nineteen are included in the list appointed to attend Anne of Cleves (*Letters and Papers*, xv. 5), and at least a dozen could be added from other sources without including members of the provincial and local councils.

the council in London.<sup>1</sup> But their principal use was to sit in the courts of requests<sup>2</sup> and star chamber, and to do other business for which the privy council had not time.<sup>3</sup>

Out of a large and common council, to which councillors everywhere had equally belonged, there had emerged a small hierarchy in the form of a privy council which asserted an unchallenged authority over all the other councils, including even its own parent, the council in the star chamber.<sup>4</sup> It may have been legitimate for Burghley, with his antiquarian tastes, to comfort clerks of the star chamber with the sound historical doctrine that their court was the original king's council and with the flimsier political fiction that it was in the fifteen-nineties the only council of state. But in reality the privy council had absorbed the power, and could in various ways dictate to the star chamber itself. It determined, for instance, whether, in case of doubt, a suit should be heard in the star chamber or at the council board, and it could move any court or council in the realm.<sup>5</sup> It might be the privy council of a king, but England had become the king's estate, and the king's estate the English state. Its secretaries were the king's and its government was his privy council. As early as 1545 Nicholas Wotton, explaining the status of an envoy Charles V was about to send to England from the Netherlands, describes him as 'of the Privy Council,

<sup>1</sup> For instance, on 8 July 1541 letters from the council in London to the council with the king are signed by Cranmer, Audley, and Hertford of his privy council, and also by Bonner, Thirlby, Windsor, St. John, Southwell, and Pollard, none of whom were then privy councillors (*Letters and Papers*, xvi. 978; cf. *ibid.* 1028, 1047, 1261); some letters, however, dealing with more confidential affairs, are signed only by privy councillors (*ibid.* 1085, 1095, 1141).

<sup>2</sup> e. g. in October 1540 the vice-chamberlains are ordered 'from hensfurth in no wise [to] molest [the king's] person with any maner sute, but to put their sutes in writing and delivre the same to such of his grace's Ordinary Counsaill as was appoynted to attende upon his Majestyes person for those and like other purposes' (Nicolas, vii. 51). Heath had been appointed two days before 'one of the king's counsel and joyned in office with . . . Thirlby to hear causes determinable in the White Haule', and Petre was appointed in Thirlby's place on 5 October (*ibid.* pp. 49-51). A few days later he is called 'one of the kinges Ordinary Counsaill' (*ibid.* pp. 60, 74), and so are Southwell (p. 77), Essex (p. 134), Tregonwell (p. 145). Henry himself refers (*Letters and Papers*, xvi. 196) to 'one of the king's council, though not of the Privy Council'.

<sup>3</sup> On 11 October 1540 Marillac speaks of being referred to the council they had established to deal with other than state affairs (*ibid.* xvi. 141); the reference is to the order quoted in the preceding note. In 1549 the council instructed Paget in his negotiation with Charles V to covenant, if the question of admiralty jurisdiction were mooted again, that such cases should be tried 'not by two of the Privy Council, but generally two of his Council, for so may they be more easily heard' (*For. Cal.* 1547-53, p. 44). The 'Mr. Chamberlen, the counsellor' referred to in August 1602 (*Egerton Papers*, p. 352) was not a privy councillor, but Thomas Chamberlain (d. 1625), a future judge (see *Dict. Nat. Biog.* x. 6).

<sup>4</sup> Nicolas, vii. 223; *Acts of Priv. Coun.*, ed. Dasent, *passim*.

<sup>5</sup> During Henry's progress in the north in the autumn of 1541, the privy council with him heard appeals from the council of the north (*Letters and Papers*, xvi. 1190-1).

as they call it here, but not as we call it, for that that we call the Privy Council they call (as I take it) *le Conseil d'Estat*.' <sup>1</sup>

The complete subordination of every other council to the privy council requires some emphasis in view of Professor Baldwin's contention that 'henceforth the monarchy was generally successful in maintaining two co-ordinate boards working simultaneously', namely 'the council at court' and 'the king's council in the star chamber'; <sup>2</sup> and the instances cited to substantiate this thesis involve a good deal of confusion. <sup>3</sup> In the first place, the council in the star chamber is still an ambiguous term; for there was an inner star chamber as well as the outer star chamber which came to be called the court, and the privy council frequently met for privy council business in the inner star chamber, while it also sat at a council table beneath the chair of state in the outer star chamber to hear star chamber cases. It was an arrangement not unlike that which regulates the proceedings of the modern justices of the peace; they have their justices' room in which they deal with administrative business and also discuss in private the cases they hear in their public room which is called the court. Secondly, there was no standing 'council at court' distinct from the privy council which normally sat in the inner star chamber during term-time, but which with equal regularity attended the sovereign 'ubicunque fuerit' during vacation. <sup>4</sup> It is the same clerk of the privy council who records in the same register attendances of

<sup>1</sup> *Letters and Papers*, xx. i. 587; cf. *ibid.* xvi. 175, and *State Papers*, viii. 452-3, where a Flemish distinction is drawn between council for the law and ordinances of the country and the privy council where alliances with princes and things of like moment were devised. R. Pate, bishop of Salisbury, who reports this remark, appears to have got the distinction wrong; Wotton was better informed.

<sup>2</sup> *King's Council*, p. 448.

<sup>3</sup> Thus on p. 448 Professor Baldwin quotes two passages to substantiate his view, but gives only a reference for the second. It refers in point of fact to the first, and is represented as identifying the council in the star chamber with a council 'established here [October 1540] to take cognisance in matters other than those of state'. But Professor Baldwin omits Marillac's preceding words, 'the council which three days ago they established here', &c. These words dispose of the identification with the star chamber, and the reference is really to the order we have quoted above (p. 48, note 3). Marillac's *ipsissima verba* are given in Kaulek, *Corr. Pol.*, p. 229. The real reference for Professor Baldwin's second quotation is *State Papers*, Henry VIII, i. 647, summarized in *Letters and Papers*, xvi. 157; but it has equally little reference to the star chamber. The councillors who said 'they were assembled upon a special commission and would not meddle in such matters' as Marillac wanted to discuss were 'the lords of the council being at London in commission for the subsidy', or as they put it more specifically themselves, 'for the execution of the Kinges Highnes commission for the Acte of subsidy in the Citie of London' (*State Papers*, i. 647; *Letters and Papers*, xvi. 159; Nicolas, vii. 62; Kaulek, p. 234). The second of the 'two co-ordinate boards', except in so far as it was the council doing judicial work in the star chamber, resolves itself into a multiplicity of special commissions.

<sup>4</sup> Cf. Nicolas, vii. 193: 'The 24 May [1541] the counsaill went from Greenwich to Westminster and there sat in the counsaill in the Starre Chamber.'

the same privy councillors in the inner star chamber and at the council board at Greenwich, Oatlands, Nonsuch, Woking, and Windsor ; but he never after 1540 records the attendance of those privy councillors and others who sit in the outer star chamber to deal with judicial business. Those details were recorded in the 'book of entries' kept by the different clerks of the council in the star chamber, which book has disappeared, leaving us to work out the personnel of the court of star chamber by the fitful light of scattered records.

The privy council itself did, indeed, divide occasionally into two or more bodies of counsel for temporary purposes. When Elizabeth went her usual summer round of royal palaces at Richmond, Nonsuch, Oatlands, Woking, and Windsor,<sup>1</sup> she could take her whole privy council with her, and there was no need for a council in London because none of these royal palaces was more than two or three hours' ride from the capital. But when Henry VIII went to France or to York, it was deemed expedient to leave a body of counsel in London to deal with urgent matters ; and the correspondence which ensued between these councillors in London and the councillors with the king has given rise to the theory of two councils. But it was merely a temporary separation of colleagues, and, as soon as the royal progress was over, the two groups merged at once into a single council. There are instances of this before the privy council was organized. When Henry VI went to France in 1430 to be crowned in Paris, there was correspondence between the council in London and the 'domini de consilio regis circum latus suum in regno Franciae'.<sup>2</sup> In 1513 there was a similar division between the council left with the queen in England and the council which went with the king to France.<sup>3</sup> In 1520 Catherine accompanied Henry, but a body of councillors was left in England to carry on the government in correspondence with the king and his council in France.<sup>4</sup> The same occurred in October 1532, and now we can perhaps distinguish, in the council left in London, between 'privy' councillors, like the archbishop of York, the lord chancellor, Sussex, and Darcy, and 'ordinary' councillors like Tuke, Daunce, Tregonwell, Bedell, and others who were temporarily called in to reinforce them.<sup>5</sup> In 1536, during the Pilgrimage of Grace, a similar allocation was made of persons 'appointed to attend upon the queen's grace' while Henry went

<sup>1</sup> Greenwich was Elizabeth's usual residence in the spring ; in July she almost invariably started on this Surrey tour though occasionally, as in 1587, she varied it with a visit to Burghley at Theobalds, and spent most of the time at Oatlands. Her peregrinations and the attendance of councillors can be traced in Dasent's *Acts of the Priv. Coun.*

<sup>2</sup> Nicolas, iv. 67.

<sup>3</sup> *Letters and Papers*, new ed., i. ii, *passim*.

<sup>4</sup> *Ibid.* iii. 873.

<sup>5</sup> *Ibid.* v. 1408, 1421, 1469, 1472, App. 33 ; Nicolas, vii. 344.

north; ten of them are designated 'of the privy council' and given 'authority to break up the king's letters and to write their opinions'; and these only sign the privy council's letters.<sup>1</sup> The same arrangement was made in 1541, Cranmer, Audley, Hertford, Sadler, and Baker being the privy councillors left in London, while most of them went with the king to York, taking with them the clerk and the council register.<sup>2</sup>

In June 1543 there was a division of the council which illustrates the danger of deducing institutional distinctions from the headings and endorsements of documents. Henry VIII went down to Harwich taking Russell, Wriothesley, and one or two other councillors with him, but not the council-book.<sup>3</sup> There remained in London a body of councillors whose correspondence with Henry is headed the 'council in London to the council at court', but whose meetings are headed 'the privy council'.<sup>4</sup> The personnel of the privy council and the council in London is identical, except that occasionally a councillor present at the meeting does not sign the letter it drafted, and vice versa; and the difference consists in nothing more than in two descriptions applied to the same body of men. The 'council in London' simply means 'some councillors in London', who may be a dozen or two or three, and sometimes ordinary rather than privy councillors. Thus in September–October 1546 the 'council in London' consists of Wriothesley and St. John with the occasional addition of Hertford or Gardiner;<sup>5</sup> and in July–August 1545 it consists of Sir John Baker, the two Southwells, and North, of whom the three last were only ordinary councillors.<sup>6</sup> A similar 'council' had been left in London in August–September 1544 to deal with minor, and chiefly legal, business.<sup>7</sup> Many of these 'councils' would doubtless have been called 'committees', had that word then been invented or given its modern signification; as it was, they sometimes sat 'in commission'.

At the time that this committee of August–September 1544 was sitting in London, Henry VIII was before Boulogne with part of the council, and another 'council' was attending the queen at Woking and elsewhere.<sup>8</sup> This division was a more

<sup>1</sup> *Letters and Papers*, xl. 788, 799.

<sup>2</sup> *Ibid.* xvi. 1019, 1085, 1190, 1430.

<sup>3</sup> The council at court had, however, taken the king's stamp and his signet, which had on 9 June to be sent to London for a special purpose, with instructions for its speedy return because it 'is here necessary, both for his majesty's causes and also for the private suits and matters of his signet' (*ibid.* 675).

<sup>4</sup> *Ibid.* xviii. i. 655–746. One of these letters (746) is dated 'from the Starre Chamber at one of the clock', addressed 'to our very good lords of the King's Privy Council', and endorsed 'from the council at London'.

<sup>5</sup> *Ibid.* xxi. ii. 19, 58, 114, 203, 305.

<sup>6</sup> *Ibid.* xx. i. 1304, 1311, 1313, 1321–2; ii. 12, 49, 80, 148, 210.

<sup>7</sup> *Ibid.* xix. ii. 166 [37], [40], [42].

<sup>8</sup> *Ibid.* 27, 35, 129, 196, 206.

formal arrangement made in June, by which Catherine was to be regent during Henry's absence, Cranmer, Wriothesley, Hertford, Thirlby, and Petre her council, and Hertford lieutenant 'in case'.<sup>1</sup> Her brother, Lord Parr of Horton, although not a privy councillor, was also 'to be used'. Petre was to act as secretary, Honninges the junior clerk was to be clerk of this privy council, and the king's stamp was left in England.<sup>2</sup> Wriothesley as lord chancellor kept of course the Great Seal,<sup>3</sup> but the gap in the privy council register from July 1543 to May 1545 prevents the definite statement of what was probably the case, that the council-book remained with the queen. Generally the council-book went, like the senior clerk of the privy council, with the king;<sup>4</sup> but in December 1546, when there was a council with the king at Oatlands and another in London, the council-book was in London.<sup>5</sup> The privy council possessed, indeed, considerable elasticity, but there is no need to regard each of its special and temporary committees as a separate council merely because 'council' was then used as a collective noun where we should say 'councillors'. A summarized minute of its clerk on 13 December 1540 illustrates the point:

On 23 November the king and queen accompanied only with the lord privy seal, admiral, mr. of horse, and vice-chamberlain, of the privy council departed to [W]Okyng, and thence on 7 December to Oteland, and thence on 18 December to Hampton Court. During that time Wriothesley and the comptroller remained at Windsor, and the lords of the council departed home, but assembled sundry times at Westminster as the king advertised them of affairs. Especially there assembled at Suffolk's house, 13 December, the chancellor, Norfolk, Suffolk, great chamberlain, Hertford, Durham, Wriothesley, chanc. of augmentations.<sup>6</sup>

Apart from these committees of the privy council, the number of subordinate councils, none of whose members were as a rule privy councillors, continued to grow. The council of the west, indeed, ceased to exist in 1540, but the conquest of Boulogne in 1544 led to the establishment of a council there distinct from that of Calais; and a third overseas council was set up at New Haven (Ambleteuse) with Lord Stourton at its head and John

<sup>1</sup> *Letters and Papers*, XIX. i. 864; 'in case' probably means in case of invasion or insurrection.

<sup>2</sup> *Ibid.* ii. 216; Mason, the senior clerk, had gone with Henry.

<sup>3</sup> It was then, as now, the rule that the Great Seal could not leave the kingdom; but Wolsey in 1527 interpreted the kingdom as including Calais, and took it with him there, leaving it in the Pale, while he went on to Paris (*State Papers, Henry VIII*, i. 70, 76; Nicolas, vi, pp. clv *et seq.*; Cavendish, *Wolsey*, 1852, pp. 83-4).

<sup>4</sup> e. g. in 1541 it travelled as far as York.

<sup>5</sup> *Letters and Papers*, XXI. ii. 513; Dasent, *Acts of the Priv. Coun.* 1542-7, pp. 555-6.

<sup>6</sup> *Ibid.* xvi. 325; *verbatim* in Nicolas, vii. 89.

Astor as its secretary.<sup>1</sup> There was also a council at Limerick<sup>2</sup> distinct from the lord-deputy's council in Dublin, a council on the Scottish borders<sup>3</sup> distinct from the council of the north, and a council for Prince Edward.<sup>4</sup> It had been part of Henry's earlier policy to show that no one might have a council but the king; it was part of his later policy to show that a king might have as many as he needed. The difference between the earlier and the later condition of affairs was that the earlier multiplicity of councils, moved by feudal aspirations, led to civil strife, while the later councils were all subordinate to the privy council and promoted the unity of England. Only twice in later Tudor times did a schism in the privy council threaten civil war; once in October 1549, when Somerset with the king and council at Hampton Court was resisted and overborne by the council led by Warwick in London, and secondly, in July 1553, when Northumberland with Queen Jane's council in London was resisted and overborne by Mary and her council in East Anglia.

Just as the work of this privy council was anti-feudal, so was its composition, and its success is less due to the theory that it combined 'a strong body of nobles' with 'men of lower rank' than to the fact that the nobles owed what they had to the king. When Henry VIII died, only six of his nineteen privy councillors were nobles; and of them only one, Arundel, held a peerage older than the dissolution of the monasteries.<sup>5</sup> Feudal nobility had ceased to count in Tudor councils. The Howards were perhaps the declining hope of the feudal party, but even their dukedom they owed to Richard III. Shrewsbury could date his earldom back to 1442, and Derby his peerage to 1456; but both Pembroke and Worcester, while they could trace illegitimate descent from older nobles, owed their peerages to the Tudors, and no other peer, save Sussex, Clinton, and Arundel, sat in a Tudor privy council after 1540 who had not been created by a Tudor sovereign. The position and duties of a privy councillor were, indeed, wholly incompatible with feudal habits and aspirations. Continuous residence in London or its immediate proximity was a necessity, and so was a training in statecraft and diplomacy and a knowledge of foreign affairs, with which the local politics of the middle ages did not provide the feudal magnate. The legislature had still in the fifteenth century to make special provisions in order to bring within the benefit of clergy nobles who could neither read nor write; but even the new-found

<sup>1</sup> *Letters and Papers*, xxi. ii. 234.

<sup>2</sup> *Ibid.* 475 [33].

<sup>3</sup> *Ibid.* xvii. 578, 1048.

<sup>4</sup> *Ibid.* xxi. ii. 1165 [16].

<sup>5</sup> The other peers were Hertford (created Viscount Beauchamp in 1536), Russell, Essex, and St. John (all created barons in March 1539), Dudley (created Viscount Lisle in 1542), and Wriothesley (created a baron in 1544).

omnicompetence of parliament could not make a feudal nobility competent to share in sixteenth-century government.

If the renaissance ruled out feudal nobles, the Reformation tended to exclude the clergy. Cranmer, Tunstall, and Wotton alone survived the last anti-clerical move of Henry's reign.<sup>1</sup> Mary had at one time as many as eight ecclesiastics in her privy council; but inasmuch as she nearly trebled its size, the proportion of lay to clerical members remained the same. Under Elizabeth the clergy tended to disappear altogether. Apart from Archbishop Heath, who ceased to be called after 5 January 1558/9, and Wotton, who died in 1567, no ecclesiastic sat in her privy council until she found an archbishop after her own heart in her 'little black husband' Whitgift; and his inclusion and regular attendance after 1585 symbolized the new alliance of church and Crown against parliament which took the place of Henry VIII's alliance with parliament against the church. The latest list of Elizabeth's privy council<sup>2</sup> contains thirteen names, the archbishop, two peers of her own creation (Buckhurst and Hunsdon), one of her sister's (Nottingham<sup>3</sup>), one of Henry VII's (Worcester<sup>4</sup>), and one of Henry VI's (Shrewsbury), six knights, and one esquire. The Tudor privy council was based on no balance of power between the old order and the new. It was rather an expression of the total replacement of the old by the new dispensation. Queen Elizabeth herself was the great-great-granddaughter of a citizen of London; her privy council was of like descent, and its members were given precedence of peers of the realm.<sup>5</sup>

The reduction in the size of the council tended alike to promote its efficiency and to emphasize the royal control; and Henry VIII's limit of nineteen was only exceeded when the monarchy

<sup>1</sup> In the autumn of 1546; it led to Gardiner's exclusion from the privy council. Thirlby may have owed his exclusion to his absence as ambassador with Charles V.

<sup>2</sup> For the period December 1601-March 1603 see Dasent, *Acts of the Priv. Coun.* xxxii. 485-6.

<sup>3</sup> Whose father, William Howard, had been created Lord Howard of Effingham in 1554.

<sup>4</sup> Whose great-grandfather, Charles Somerset, had been created Lord Herbert in 1506.

<sup>5</sup> Cf. *Letters and Papers*, xix. i. 149. Here all the privy councillors are placed in a list preceding a list of 'lords' which includes marquises, earls, and bishops as well as barons (the only two dukes in existence at the time, Norfolk and Suffolk, were privy councillors); but the statute of 1539 (31 Henry VIII, c. 10) for placing lords in parliament, the star chamber, and in other councils, is more refined, and deals only with the officers of state. Four of these, the chancellor, treasurer, lord president, and lord privy seal, whatever their rank in the peerage and whether they are peers or not, take precedence even of dukes. The other officers of state only take precedence in the rank to which they belong; cf. *Lords' Journals*, i. 224, where Baron Russell as lord privy seal precedes marquises and earls, but the earl of Hertford as lord great chamberlain only precedes other earls, and Baron St. John as chamberlain only precedes other barons.

fell into the weak hands of Edward VI and Mary. Henry VIII had nominated sixteen persons to be executors of his will and councillors to his son, and a further body of twelve assistants who were only to be called in when the others thought fit. But the validity of a dead king's commission was raised almost at once by the French government in its negotiations for a treaty, and the executors deemed it wise to seek appointment at the hands of Edward VI. The privy council which he thereupon nominated included, with a few changes, both the executors and the assistants, and was raised to twenty-six in number. The lax way in which attendances were recorded under the protectorate of Somerset makes it impossible to determine how far (if at all) the twenty-six were increased in number. But twelve new members were added under Northumberland to replace half a dozen or less of Somerset's adherents,<sup>1</sup> in 1552 the number was raised to forty, and a similar partisanship led to further increases under Mary. She began her resistance to Northumberland in East Anglia under even greater difficulties than Henry VII had encountered in 1485. She could only rely for counsel upon a few personal adherents with little influence and less experience. But it was against her heart to dispense with these staunch adherents when their services had helped her to the throne, the waverers had come in, and her foes were at her feet. Her privy council was swollen to inordinate size by the promotion of household friends, the restoration of experienced but ejected councillors, such as Norfolk, Gardiner, Tunstall, Thirlby, Paget, Southwell, and Rich, and the retention of politicians like Winchester, Arundel, Bedford, Pembroke, Petre, Mason, Baker, Wotton, and Cheyney, whose invertebracy had enabled them to accumulate under Henry VIII, Somerset, and Northumberland an experience which was deemed essential to the service of Mary. Within two months of her accession her privy council numbered nearly fifty.<sup>2</sup>

The privy council seemed to be going the way of the council and growing until it must needs give birth to another inner ring. In September 1555 Philip II suggested the appointment of what the Venetian ambassador calls 'a sort of privy council for matters of state and importance' distinct from 'the one which already exists'. It was to consist of seven members, and Feria two years later represents this arrangement as having actually

<sup>1</sup> A list of November 1551 gives thirty-three names (*Acts of the Priv. Coun.* iii. 513); the list of forty is in Edward VI's own hand (*Lit. Remains*, pp. 498-9). The boy-king had a plan for dividing this overgrown council into 'several commissions' or councils, which were to sit apart and to deal severally with matters of state, private suits, criminal law, royal finance, and the defence of the realm (*ibid.* pp. 499-503).

<sup>2</sup> See my volume in the *Political History of England*, vi. 94-5, and Dasent, *Acts of the Priv. Coun.* iv-vi, *passim*.

been made 'without however displacing the others, so as not to provoke them'.<sup>1</sup> This cabinet was a secret body whose meetings were not recorded in the privy council register, and it may have added to the confusion; for while the privy councillors whose meetings are recorded were but a fraction of the privy council, that fraction did not correspond with the secret committee. Chaos was, however, the characteristic of Mary's government, especially during her later years; and it was left for Elizabeth to restore and develop her father's drastic methods. She was of course relieved of Mary's privy councillors by her sister's death, and no qualities of wisdom dictated their wholesale reappointment. Fifteen were from the first definitely excluded, and others soon dropped out. Her privy council, when completed in December 1558, consisted of eighteen members, but gradually the number was reduced to a dozen or less. For the first thirty years of her reign the average was about fifteen,<sup>2</sup> but after the Spanish Armada it was about thirteen, and after 1595 the membership was sometimes eleven or even ten, and the usual attendance from six to eight.

This drastic reduction was due to no diminution in the labours or activities of the privy council, and simultaneously the number of clerks of the privy council grew from one to four. They were not, it is true, all four in continual attendance throughout the year, and in January 1578/9 a scheme was arranged by which each clerk was in attendance for three periods of two months in each year;<sup>3</sup> but it does not follow that the two clerks who were

<sup>1</sup> *Venetian Cal.* vi. 183, 1004.

<sup>2</sup> It rose, however, to nineteen in 1586-7, but of these one, Sir Walter Mildmay, only attended once, and another, Derby, only six times out of 114 meetings. In November 1587 there were eighteen (*Acts of the Priv. Coun.* xv. 277-8), but again Mildmay only attends eight and Shrewsbury only five out of a hundred meetings.

<sup>3</sup> *Ibid.* xi. 4-5. The succession of clerks of the privy council was as follows: Paget was sworn on 10 August 1540. On 28 September 1541 Sir John Mason was sworn to act as clerk during Paget's absence in France, and on 23 April 1543 Mason and W. Honninges were sworn clerks. On 18 December 1545, Mason having succeeded Tuke as master of the posts, Honninges became senior clerk with £20 a year, and Thomas Chaloner was appointed junior clerk at £10. (Sir) Thomas Smith is mentioned as a clerk of the council on 3 January 1547/8, but on 17 April following the register states that Armagil Waad or Wade had acted as such without fee since midsummer, 1547 and the council proceeded to raise Honninges' fee to £50, Chaloner's to £40, and to give Wade fifty marks, without referring to Smith (*Acts of the Priv. Coun.* ii. 156, 183-4). Honninges disappeared in 1549, and Chaloner was promoted in 1551. Wade thus became senior clerk, with William Thomas (app. 19 April 1550) and Bernard Hampton (app. 24 September 1551). All three lost their offices on Mary's accession, and Francis Allen and William Smythe were sworn clerks on 30 July 1553. Hampton, however, reappears as clerk on 19 June 1554, and he, Allen, and Smythe continued to act throughout Mary's reign and well into Elizabeth's. On 3 May 1571 Edmund Tremayne was sworn clerk, on 8 July 1572 Robert Beale, and on 18 July 1576 (Sir) Thomas Wilkes and Henry Cheeke. These four continued to act until Tremayne's death in 1582 (the register is lost from 1582 to 1586). The vacant place was taken by (Sir) William Waad,

not in attendance at the council board were not employed in diplomatic or other council business. Nor was the reduction in the number of privy councillors entirely due to the clearer line which was being drawn between political and judicial functions. Such business as that of the court of requests was, indeed, rarely if ever transacted by privy councillors after 1540, the councillors in that court being termed 'ordinary' councillors; and it appears that in Elizabeth's reign it usually required a special request from the chancellor<sup>1</sup> or a special commission from the Crown to secure the attendance of privy councillors in the star chamber. They could undoubtedly attend if they chose, and would normally do so when exceptional offenders such as Essex were under consideration. But the regular routine work of the star chamber was left more and more to the chancellor, the judges, and the clerks of that court. Even in important state trials less than half the privy council sat as a rule in the star chamber: there were nine out of a possible nineteen at Arundel's trial in 1586,<sup>2</sup> but at Vaux's trial in 1581 there were only six,<sup>3</sup> and at Davison's only three,<sup>4</sup> while there might, as in Arundel's case, be present 'the judges of every bench'. Even in the early part of James I's reign, to judge from Hawarde's *Reports*, the number of attendances credited to privy councillors could only be made to exceed those credited to judges by reckoning the lord chancellor and the lord chief justice as privy councillors and not as judges.<sup>5</sup> The appearance of the star chamber as simply another facet of the privy council is due to a Stuart and not a Tudor development. The idea that when the privy council sat on star chamber days in the star chamber it necessarily transacted star chamber business arose from ignorance of the fact that there were two star chambers, the inner, reserved for the privy council, and the outer allocated to

and when Henry Checke was appointed secretary to the council of the north, Thomas Windebank was appointed to this second vacancy. On 19 March 1586-7 (Sir) Anthony Ashley was sworn a clerk, and on 5 May 1587 Daniel Rogers, probably to supply the place of Wilkes, who had gone with Leicester to the Netherlands. Rogers died in 1591 and Wilkes resumed his place. In October 1596 (Sir) Thomas Smith appears as clerk, probably in place of Anthony Ashley, who was in disgrace. Wilkes died in March 1598, and on 29 June 1599 (Sir) Thomas Edmonds was sworn. Beale died in May 1601, and at the end of Elizabeth's reign there appear to have been only three clerks of the council, Waad, Smith, and Edmonds. They were resworn to James I on 4 May 1603, and he had already on 29 April restored Sir Anthony Ashley (*Acts of the Priv. Coun.* xxxii. 496-7). Thus the privy council started with one clerk in 1540, there were two in 1543, three from 1547, and generally four from 1578.

<sup>1</sup> Cf. *Cal. Hatfield MSS.* v. 108, where the lord keeper desires the presence of Sir R. Cecil in the star chamber for the hearing of the earl of Lincoln's case.

<sup>2</sup> Lodge, *Illustrations*, ii. 286.

<sup>3</sup> *Hist. MSS. Comm.*, 11th Rep. App. vii. 162.

<sup>4</sup> Nicolas, *Life of Davison*, pp. 303, 330.

<sup>5</sup> See analysis of attendances, Hawarde, pp. lxx-lxxv.

the court. A sitting of the privy council at the council board in the inner star chamber no more proves its sitting as the court of star chamber than does its sitting at Greenwich, the Tower, or in any other council chamber; and the business of the council sitting in the star chamber, which is recorded in the privy council register, is not the business of the court.

On the other hand, the privy council was developing a rival jurisdiction of its own. Under date of 15 December 1589 we read in its register: 'in the after noone the Lordes did here Ierysshe cawses';<sup>1</sup> and we have already noticed Hudson's disapproval of the transference of Channel Islands jurisdiction from the council in the star chamber to the privy council board.<sup>2</sup> It may be doubted whether 'retention' is not a better word than 'transference'; what happened was that when the privy council went out, so to speak, from the old council in the star chamber, it took with it this jurisdiction, which appears to have been more appropriate to the council board than to the semi-criminal jurisdiction of the star chamber. But its usual preoccupation was to disburden itself of jurisdiction which the importunity of suitors thrust upon it. In 1552 the council had delegated to ten 'special commissioners', viz. the lord privy seal, seven other privy councillors, and two masters of requests in ordinary, the duty of hearing 'all the suits and requests' with which the council board was pestered.<sup>3</sup> In 1589, being still 'continually troubled and pestered with the said private suitours and their causes', the council resolved that henceforth it would listen to no suits which ought to be heard in any court of justice or of conscience, 'provided nevertheles that heerby is not meante to seclude anie persones with their suites if they shall complaine of any wrong, wilfull delay or deniall of justice by anie judge or judges in any court. . . . In lyke manner no man shalbe barred by this order to give informacion against anie persons for anie fact tending to treason or conspiracie';<sup>4</sup> and a few days later it applied this order by dismissing a case to the star chamber.<sup>5</sup> It is tempting to say that the privy council wished to be a court of appeal and not a court of first instance; but a 'court' is hardly the right word, and the council does not use it. Nor is 'appeal'

<sup>1</sup> *Acts of the Priv. Coun.* xviii. 262; this was at Richmond and out of term-time, so there was no star chamber atmosphere about it.

<sup>2</sup> Cf. *ibid.* xvi. 4; Hudson in *Collectanea Iuridica*, ii. 62. The privy council still deals with appeals from the Channel Islands by means of a special committee which is not the judicial committee.

<sup>3</sup> *Egerton Papers*, p. 24; *Lit. Remains of Edward VI*, p. 499.

<sup>4</sup> *Acts of the Priv. Coun.* xviii. 181-3.

<sup>5</sup> *Ibid.* p. 195; in July 1589 the privy council referred a case to the masters of requests 'because the matter is intricate and not fitt to be delt in by us' (*ibid.* xvii. 369).

quite correct. The privy council conceived of itself as being not a court, but the supreme authority which could 'move' any and every court. The distinction, however, was somewhat fine. In April 1588 the privy council in London required the Irish privy council to review a case heard in the Irish star chamber, and to do so 'at the councill Borde and not in the starre chamber' to save the disgrace of the star chamber being required to re-examine its own judgement;<sup>1</sup> and what the privy council required its Irish counterpart to do for the Irish star chamber, it would presumably, in case of necessity, do itself for the star chamber at Westminster.<sup>2</sup>

But its main concern was the arrangement and supervision of judicial administration and not the supersession of the courts. The privy council sometimes gave directions to the lord chancellor with regard to trials in the star chamber; it changed the venue according to its discretion, and determined whether a case should be heard at the council board or in the star chamber. *A fortiori* it could direct the court of exchequer or any other body of judges, delegates, or commissioners. It was often concerned at the conflict of jurisdiction between one court and another, and intervened to expedite decisions, especially where poor suitors were concerned. From a similar motive it would transfer cases to the assizes to save suitors the expense of litigation in London,<sup>3</sup> and it sometimes interposed to protect women from the grievous disabilities under which they laboured at common law.<sup>4</sup> On the other hand, it would rebuke the judges for granting a habeas corpus to a person imprisoned on a privy councillor's warrant,<sup>5</sup> and issue commissions for the torture of prisoners accused of treason when they could not be tortured by common law.<sup>6</sup>

For business that trenched so closely on the judicial sphere the presence of a judicial element in the privy council might well be deemed advisable. The chancellor or lord keeper was invariably a member, but he was not reckoned among the judges, and from 1540 to the end of Henry VIII's reign no judge sat in the privy council. Probably the idea was that the privy council had left all the judicial business of the council to the council in the star chamber. Henry, however, appointed the two chief justices

<sup>1</sup> *Acts of the Priv. Coun.* xvii. 10-11.

<sup>2</sup> It almost certainly 'taxed' the enormous fines imposed in the star chamber, reducing for instance fines of 10,000 marks to £100, £1,000 to £100, £500 to £30, £200 to £10, a hundred marks to £5, £20 to £2, and respiting others altogether (see table in Baidon's edition of Hawarde, pp. 411-14). An order from the privy council to the attorney-general and solicitor-general respecting the fines imposed on Essex adherents is in the privy council register (*Acts of the Priv. Coun.* xxxi. 469-70; cf. *ibid.* 483-9).

<sup>3</sup> *Ibid.* xvi. 16, 62, 72, 76.

<sup>4</sup> *Letters and Papers*, xviii. i. 823, 841.

<sup>5</sup> *Acts of the Priv. Coun.* xvi. 48, 69-70.

<sup>6</sup> *Ibid.* v. 93, 145, 289; vi. 130, 187, 193, 314; xiii. 37.

executors of his will, and they were included in Edward's privy council. One or other of them occasionally attended,<sup>1</sup> and their names occur in the list of privy councillors in November 1551. Somewhat naturally they were both on Mary's accession not only excluded from the privy council but deprived of their judicial offices.<sup>2</sup> Mary repeated the offence by including their successors in her privy council, but they did not often attend, and in Elizabeth's reign no judge was a member until Chief Justice Popham was sworn on 13 May 1599. Until nearly the end of her reign Elizabeth maintained, so far as the personnel of her privy council was concerned, that discrimination between law and politics, the judicature and the executive, the feeling for which had led in 1540 to the definite organization of the privy council; and the distinction was formally affirmed in the ruling that a writ to appear before the privy council was not a proper return for process in the star chamber.<sup>3</sup>

The appointment of Chief Justice Popham to the privy council in 1599 may be a straw pointing in the direction the Stuarts followed when they cancelled the progressive discrimination between the executive functions of the privy council and the judicial functions of the star chamber by assimilating the personnel of the two and making the same persons who took executive action in the privy council the judges of its legal validity in the star chamber. It was an item in their reactionary policy which helps to explain the contrast between the general loyalty to the Tudors and the great rebellion against the Stuarts. But for that undoing of what had been wisely done, Charles I could not have ruled as arbitrarily as he did, and but for that he might have kept his crown.

A. F. POLLARD.

<sup>1</sup> *Acts of the Priv. Coun.* ii. 238, 262, 333, 336-7, 343, 352, 370, 372.

<sup>2</sup> The same fate, however, attended the chief baron and the master of the rolls, who had not been privy councillors.

<sup>3</sup> Hudson, ii. 24. He does not give the date, though he was counsel in the case. Sir Thomas Coventry, to whom he says the point was referred, died in 1606.

## *Notes and Documents*

### *The English Bishops at the Lateran Council of 1139*

WE are told by Richard of Hexham that five bishops only were permitted to represent England at the council of the Lateran held by Innocent II at Mid-Lent, 1139.

Teobaldus . . . Cantuariensis archiepiscopus, et [—] Rofensis, et Simon Wigornensis, Rogerus Coventrensis, Robertus Excecestrensis, isti quinque episcopi et cum illis quatuor abbates pro omnibus episcopis et abbatibus Angliae ad idem concilium iverunt. Namque rex Stephanus, propter turbationem regni sui, quae gravis tunc imminebat, plures illuc mittere noluit.<sup>1</sup>

The bishop of Rochester evidently caused a difficulty. Richard's editors heedlessly inserted the name of Ernulf, who died fifteen years before. His continuator, John of Hexham, wrote 'episcopus Rofensis', leaving no blank for the name.<sup>2</sup> But the absence of the name of this one bishop was perplexing, and John of Worcester enumerated but four prelates, Canterbury, Worcester, Coventry, and Exeter.<sup>3</sup> Was there in fact a bishop of Rochester in 1139?

If we consult the list in Stubbs's *Registrum*, we find that Bishop John died on 22 June 1137 and that the next bishop, Ascelin, is said to have been consecrated in 1142.<sup>4</sup> John Thorpe, however, filled up part of the interval by making John bishop of Séez administer the see for three years.<sup>5</sup> His authority is not distinctly quoted; it appears to be a late Rochester register. Evidently there is some mistake here. A Norman bishop administering the see would not be called bishop of Rochester and he would not be sent as representing the clergy of England to the Roman council. Wharton makes a more reasonable statement. He says<sup>6</sup> that after the death of John [I] a monk of Séez of the same name was consecrated in his room. This is in fact not

<sup>1</sup> Raine, *The Priory of Hexham*, i. (1864), p. 104.

<sup>2</sup> *Ibid.* p. 123.

<sup>3</sup> *Chronicle*, p. 54, ed. Weaver, 1908.

<sup>4</sup> *Reg. Sac. Anglic.*, pp. 44, 46, 2nd ed., 1897.

<sup>5</sup> *Registrum Roffense*, p. 8, 1789.

<sup>6</sup> *Anglia Sacra*, i. 343, note b; followed by Le Neve, *Fasti Eccl. Angl.* ii. 558, ed. Hardy.

unlikely. In 1108 Abbot Ralph had come from St. Martin's at Séez to be bishop of Rochester, and was primate from 1114 to 1122. A connexion of this sort might well lead to further relations. Moreover Bishop John of Séez was a prominent person in public affairs. In 1130 in company with the bishop of Évreux he was present at the dedication of the new church at Canterbury.<sup>1</sup> Early in 1133 he was in Henry I's council at Windsor<sup>2</sup> and in the summer of the same year at Winchester.<sup>3</sup> He was not less closely attached to King Stephen. According to William of Malmesbury<sup>4</sup> he was the only bishop who attended him in London at the Whitsun feast of 1140. With these associations in view it is not hard to believe that a monk from Séez was made bishop of Rochester some time after June 1137. How this Bishop John [II] came to be described as bishop of Séez can, I think, be explained. A late inventory of benefactions printed by Thorpe<sup>5</sup> included two consecutive notices :

Iohannes episcopus dedit casulam . . .

Iohannes episcopus Sagiensis dedit duo pallia ad pendendum.

The second John, I take it, was distinguished as Bishop John of Séez, not John bishop of Séez. But it is remarkable that the chroniclers should be silent equally about his existence and about the date when Bishop Ascelin succeeded him.<sup>6</sup>

If the conclusion which I have proposed be accepted, the five English bishops at the Lateran council are identified. But it has been supposed that Bishop Nigel, or Neal, of Ely was also in the company. There is no doubt that in Giles's edition of the letters of John of Salisbury no. lvi is addressed *Nigello Eliensi epis.*<sup>7</sup> In it Archbishop Theobald reproves his correspondent for violating one of the canons passed at the council, 'cui nos et vos, frater episcopo, interfuimus.' The statement roused my suspicion, and I took an opportunity recently of examining the manuscript at Paris (Lat. 8625) from which it was printed. I found that it bore no superscription at all in the original hand ; only Jean Masson, who edited the letters in 1611, had inserted the heading *Cuidam episcopo* in the manuscript. When he came to publish the book, he headed the letter *N*, as he did other letters which bore no address. This *N*, which stands for *Nulli nominato* or perhaps *Nullo nomine*, was extended by Giles to *Nigello Eliensi Epis.* After I had found that the address to Bishop Neal was simply

<sup>1</sup> Anglo-Saxon Chronicle, s. a.

<sup>2</sup> Farrer, *Itinerary of Henry I*, p. 144, 1919.

<sup>3</sup> *Ibid.* p. 147.

<sup>4</sup> Hist. Novella, § 486, in *Gesta Regum*, ii. 564, ed. Stubbs, 1889.

<sup>5</sup> p. 121.

<sup>6</sup> Thus Gervase of Canterbury records the death of Bishop John [I] and of Ascelin, but says nothing about the latter's appointment: *Hist. Works*, i. 100, 132, ed. Stubbs.

<sup>7</sup> *Opera*, i. 59, 1848.

a modern conjecture, I lighted upon a paper by Mr. Round which I had forgotten. It was published in this Review more than twenty-nine years ago.<sup>1</sup> Mr. Round produced precise evidence that Bishop Neal sent *nuntii* to Rome, whose presence excused him from attendance at the council. But without the manuscript before him he was not in a position to give the statement in John of Salisbury's letter as printed a positive denial.

Of the five English prelates who went to Rome in 1139 only one besides the primate was living within the period to which the collection of John of Salisbury's letters, i-cxxxiii, can be assigned. That was Robert Chichester, bishop of Exeter, who died on 28 March 1155. But the letter may possibly be addressed to one of the four abbots who accompanied him, if we can identify one who was afterwards made a bishop. The only abbot named is Reynold of Evesham,<sup>2</sup> and he does not satisfy this requirement.

REGINALD L. POOLE.

### *Auditors of the Foreign Accounts of the Exchequer*

1310-27

IN *The History of the Exchequer* Madox makes this statement :

In process of time there were officers at the exchequer who were called *auditores compotorum scaccarii*. In the reign of King Edward II certain clerks were appointed to audit the foreign accounts in the exchequer, who seem to have been settled officers ; because upon the death or removal of one of them, another was put into his place : but then it is said that those clerks were *nuper deputati*, lately assigned to that employment ; which leads one to think they were officers then newly introduced.<sup>3</sup>

After this Madox records the appointment of Richard of Louth on 23 April 1316 to this office. He was admitted to be ' *unus clericorum nuper deputatorum ad compotos forinsecos audiendos hic in scaccario loco Edmundi de Dynington nuper deputati ad auditionem huiusmodi compotorum* '.<sup>4</sup> Madox goes on to explain that before this date accounts had usually been audited by such persons as justices, barons of the exchequer, and certain clerks appointed *ad hoc*. This practice was not abandoned now. Throughout the reigns of Edward II and Edward III there are innumerable instances of men appointed to audit only the particular accounts indicated.<sup>5</sup> But there were

<sup>1</sup> *Ante*, viii. 515-19, 1893.

<sup>2</sup> John of Worcester, *l. c.*

<sup>3</sup> Madox, *History of the Exchequer*, 1769, ii. 290-3.

<sup>4</sup> Exch. Mem. Roll, King's Rem., no. 89, Lord Treas. Rem., no. 86, *Communia Pasche Recorda*.

<sup>5</sup> See the relevant *Calendars of Patent Rolls*, *passim*.

also appointed auditors to deal solely with foreign accounts ;<sup>1</sup> Madox thus failed to discover the date of the creation of their office. The writ authorizing the appointment of clerks in the exchequer to audit foreign accounts rendered there, dated 6 October 1310, is enrolled in the Memoranda Rolls of 4 Edward II (1310-11),<sup>2</sup> together with a record of the first men appointed. It runs thus :

*Anglia. De clericis deputatis ad audiendos compotos in scaccario.*

Dominus rex mandauit hic breue suum de magno sigillo quod est inter communia de hoc anno quarto in hec verba. Edwardus Dei gracia etc. thesaurario et baronibus suis de scaccario salutem. Quia intelleximus quod clericis ad audiendos compotos forinsecos, qui in eodem scaccario sunt reddendi, quamplurimum indigetis, vobis mandamus quod tres vel quattuor clericos, quos ad hoc magis sufficientes et idoneos esse inueneritis, eligatis, et ipsos ad compotos predictos in eodem scaccario audiendos deputetis, mandauimus enim vobis, prefato<sup>3</sup> thesaurario et camerariis nostris, quod cuilibet dictorum clericorum viginti marcas per annum, dum huiusmodi compotis audiendis intenderint, pro expensis suis liberari faciatis. Teste me ipso apud Byger<sup>4</sup> vi<sup>o</sup> die Octobris anno regni nostri quarto—per ipsum regem apud Shene anno tertio.—Pretextu cuius mandati, electis per dictos thesaurarium et barones, Willelmo de Fulbourn', Willelmo de Corton' et Theobaldo de Bray ad intendendum audicioni compotorum etc. in forma predicta; iidem Willelmus, Willelmus et Theobaldus, presentes coram thesaurario et baronibus hic, assidente eis Henrico de Lacy, comite Lincolnie, tenente locum domini regis in Anglia, ipso rege nunc agente in partibus Scocie, et coram aliis de consilio etc.; modo die Martis tertio die mensis Nouembris, deputati sunt ad intendendum audicioni compotorum etc., et prestiterunt sacramentum eodem die coram eodem consilio; de bene et fideliter se habendo etc. Postea ad quindenam sancti Hillarii thesaurarius admisit ex parte regis Edmundum de Dynington' clericum, ad intendendum ad compotos audiendos hic in forma predicta.<sup>5</sup>

Postea, primo die Februarii anno quinto . . . tenens locum thesaurarii et barones elegerunt ad intendendum audicioni compotorum, loco predicti Theobaldi de Bray, qui adtunc prepeditus aliunde, vacare non potuit audicioni compotorum etc. Robertum de Wakfeld, clericum, qui presens etc., admissus est eodem die, ad intendendum audicioni compotorum etc., et prestitit sacramentum de bene et fideliter se habendo etc.

A much-felt need was thus provided for, and the new officials became a permanent part of the exchequer staff. No subsequent

<sup>1</sup> Often they are termed simply auditors of the exchequer, or auditors of accounts in the exchequer, but there is no doubt that they concerned themselves exclusively with foreign accounts.

<sup>2</sup> Exch. Mem. Roll, King's Rem., no. 84, Lord Treas. Rem., no. 81, Communia Michaelis Recorda.

<sup>3</sup> *prefate* in Exch. Mem. Roll.

<sup>4</sup> Biggar, Lanarkshire.

<sup>5</sup> The entry in Exch. Mem. Roll, King's Rem., no. 84, stops here; the last paragraph occurs only in *ibid.*, Lord Treas. Rem., no. 81.

appointments occur on the Memoranda Rolls in this reign,<sup>1</sup> but the names of the auditors, with the payments made to them, are recorded on the Issue Rolls,<sup>2</sup> and therefore it has been possible to compile a list of them.<sup>3</sup> Between Easter 1317 and the spring of 1323, the number functioning at any given time fell to two and sometimes one.<sup>4</sup> The reason for this is not quite clear, but a probable explanation is that while accounting of every kind fell into great confusion and arrears owing to the political and military disturbances of the period, many accounts which should have been rendered to the exchequer were rendered to the chamber.<sup>5</sup> Thus, although a system of foreign audit sprang up as early as 1310, it seems almost to have perished in the difficult succeeding years, until in 1323 Bishop Stapeldon, treasurer of the exchequer,<sup>6</sup> and his colleagues not only revived it, but found a very definite and important place for it in the reorganized exchequer.

In 1322 the enormous number of contrariants' lands confiscated by the Crown created an unprecedented situation and called for special measures.<sup>7</sup> At first the officers in charge of these possessions were ordered to account to the king's chamber, but within five months a complete reversal of policy took place, when the king ordered all such keepers to account to the exchequer. According to the writs issued 21-25 July 1322, they were required to bring the money already received to the exchequer at York 'by the morrow of Michaelmas' 1322, where their accounts were to be audited by men appointed for the purpose.<sup>8</sup> Special auditors, eight in number, had previously been appointed on 4 July 1322, when the lands were grouped into four large areas, two auditors being responsible for each area, from the issues of which they were to receive their fees at the hands of the administrative officers.<sup>9</sup> Efforts were made to simplify the business of

<sup>1</sup> Probably because the clerks did not receive their appointments under the Great Seal, but were chosen by the treasurer and barons. Later on, however, in Edward III's reign, the Memoranda Rolls usually noted such appointments.

<sup>2</sup> With two exceptions: neither the Issue Roll, 15 Edw. II, Easter, nor the Issue Roll, 16 Edw. II, Michaelmas, records payments to them. Was this because 1321-2 was such a troubled year that no foreign accounts were presented to the exchequer? There is no Issue Roll for 10 Edw. II, Michaelmas.

<sup>3</sup> See *infra*, p. 70.

<sup>4</sup> Two auditors: Easter term 1317-Easter term 1319; Easter term 1320-Easter term Michaelmas terms 1321. One auditor: Michaelmas term 1319; Michaelmas term 1320; Easter term 1323.

<sup>5</sup> Tout, *The Place of Edward II*, pp. 168-75.

<sup>6</sup> *Ibid.* p. 332.

<sup>7</sup> *Ibid.* p. 173; Tout, *Chapters in Mediaeval Administrative History*, ii. 259, 338-41.

<sup>8</sup> *Ibid.* See also p. 68, n. 1, *infra*.

<sup>9</sup> *Cal. of Patent Rolls*, 1321-4, pp. 83, 91, 103, 144-5, 178; *Cal. of Fine Rolls*, iii. 149; Exch. Mem. Roll, King's Rem., no. 106, m. 150 d, 4 Edw. III. The persons appointed and their respective districts were:

(i) Robert Silkeston, king's clerk	} For the Counties of Cornwall, Devon, Somerset, Dorset, Wiltshire, Gloucester, Southampton,
Roger Gildesburgh, king's clerk	

audit. On 20 June 1322 Richard Rodney<sup>1</sup> and Roger Bellars<sup>2</sup> had held views of these accounts, the findings of which they were now instructed to put before the new auditors. The auditors themselves were ordered to inquire of the tenants and others as to the condition of the lands at the time of forfeiture, and what had since been done;<sup>3</sup> and to receive and consider the information sent to them by Rodney and Bellars, so that they could proceed quickly to the final audit of all these accounts. On 24 July 1322 the keepers, receivers, and auditors were commanded to inform the exchequer, to which accounts were now to be presented, what had been done and what they considered ought to be done, in order that the exchequer, after due inspection of all the writs and certificates, might make further provisions if necessary.<sup>4</sup> No changes were introduced immediately, but the matter received attention during the year, and new regulations for dealing with it were issued in the Cowick Ordinance of June

Hereford, Worcester, Oxford, Berkshire, Bedford, Buckingham, Warwick, Leicester, and Shropshire. Salary, £20 a year each.

Their names are recorded on the sheriff's account of lands of rebels in Oxford and Berkshire, 15 Edw. II, and the sheriff paid them out of his issues (Sheriffs' Accounts 36/5; Exch. Mem. Roll, King's Rem., no. 102, 19 Edw. II, Breuia Directa Baronibus, Trinitatis). An order to pay Silkston for work done between 15 May 1323 and the translation of St. Thomas the same year was issued to Robert Bures, late keeper of forfeited lands in Norfolk, by the treasurer and barons in Michaelmas term, 18 Edw. II (Exch. Mem. Rolls, King's Rem., no. 99, Lord Treas. Rem., no. 95, Communia Michaelis Recorda).

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| (ii) Henry Leicester, king's clerk   | } For the counties of Nottingham, Lincoln, Northampton, Rutland, Huntingdon, Cambridge, Norfolk, Suffolk, Essex, Hertford, Middlesex, London, Kent, Surrey, and Sussex. |
| William Otterhampton, king's clerk   |   |
| (iii) Simon Balderston, king's clerk   | } For the counties of Derby, Stafford, Lancaster, Chester, and Wales. Salary, 25 marks a year each.   |
| Thomas Chedworth (chamberlain of North Wales, 1312-15) (Tout, <i>Place of Edward II</i> , p. 381). |   |
| (iv) Henry Allestry, king's clerk  | } For the counties of York, Cumberland, Westmorland, and Northumberland. Salary, 20 marks a year each.  |
| Walter Bredon, king's clerk  |   |

Although Wales and Cheshire both occur in these lists, Durham appears to have been excluded. This suggests that all lands in the king's hand were treated as ordinary shire ground.

<sup>1</sup> Escheator south of Trent, 22 February 1320-14 November 1321 (Tout, *Place of Edward II*, p. 363).

<sup>2</sup> Baron of the exchequer 20 July 1322-19 January 1326 (*ibid.* p. 343).

<sup>3</sup> They were to inform the justices of oyer and terminer appointed to hear cases in connexion with these lands of the result of their investigations.

<sup>4</sup> Exch. Mem. Roll, King's Rem., no. 95, 15 Edw. II, Breuia Directa Baronibus, Trinitatis. This writ is printed in Tout, *Chapters*, ii, p. 341, n. 3. Henry Allestry, William Newton, Nicholas Newbold, and John Yaxley, all king's clerks, on 5 April 1323 received £2 each as arrears of their fees for auditing accounts of forfeited lands, but there is no mention of the date of their admission to office. At the same time their clerks were writing the rolls of the accounts (Issue Roll, 17 Edw. II, Michaelmas). On 12 November 1325 Allestry was paid for his work as auditor of accounts of forfeited lands in 15 Edward II (Issue Roll, 19 Edward II, Michaelmas).

1323.<sup>1</sup> By this time the existing auditors were unable to cope with the accumulation of unaudited foreign accounts and of the accounts of the lands forfeited in 1322, many of which had not been presented to the auditors of the county groups.<sup>2</sup> Therefore it was provided that there should be appointed a fifth baron of the exchequer to supervise the work of these auditors, whose numbers were to be increased by the appointment of four more men and their clerks, to be chosen by the treasurer and barons.<sup>3</sup>

The decree at once took effect. Even before the ordinance was formally issued, a fifth baron had been added to the exchequer staff, in the person of William Fulburn, formerly one of the auditors of foreign accounts,<sup>4</sup> and treasurer's remembrancer from 30 September 1321 to 1 June 1323,<sup>5</sup> who received his appointment as baron on 1 June 1323,<sup>6</sup> though the order to the treasurer and barons to admit him was not issued until 1 July 1323.<sup>7</sup> This office, instituted for the specific purpose of hastening the settlement of the arrears and the large number of current foreign accounts, was a short-lived one, for Edward III on his accession appointed only four barons, and four was the normal number of barons acting together during his reign.<sup>8</sup> Additional auditors were

<sup>1</sup> Issued on 14 June 1323 (*Red Book of the Exchequer*, iii. 902-4, cc. 46, 47).

<sup>2</sup> 'Deuant les Auditours en pays' surely refers to the auditors appointed on 12 July 1322. The scheme of 1322 was by no means an isolated instance of the country being divided into large divisions for the purposes of administrative control: for similar experiments with the escheatorships up to 1341 see *ante*, xxxvi. 218-25. The division of the exchequer into two separate sections on a geographical basis collapsed on the death of Bellars in January 1326, but even so the plan for setting up departments within the reunited office was not discarded. Thus, while none of these experiments survived in its first form, the tendency towards specialization and decentralization had an important permanent effect on the administration, and was part of the general scheme of reconstruction pursued by such men as Walter Stapeldon, William Melton, the younger Despenser, and Roger Bellars. Bellars's division of the exchequer was not nearly so much of an innovation as was supposed (Tout, *Place of Edward II*, pp. 200, 361-4; *Chapters*, ii. 211).

<sup>3</sup> A special clerk was also to be assigned to keep all records and memoranda relating to the forfeited lands. William Coshall was deputed to do this (Issue Rolls, 18 Edw. II, *et seq.*). In 1325 the king ordered the confiscated lands to be committed to farm for seven years (*Cal. of Patent Rolls*, 1323-7, p. 417).

<sup>4</sup> See list, p. 70, below.

<sup>5</sup> Tout, *Place of Edward II*, p. 349.

<sup>6</sup> *Ibid.* p. 343.

<sup>7</sup> Exch. Mem. Roll, King's Rem., no. 96, m. 40 d.

<sup>8</sup> Mr. Tout (*Place of Edward II*, p. 198) and Mr. Charles Johnson (*Encyclopaedia Britannica*, 11th ed., s.v. Exchequer) regard Fulburn as the 'fifth or cursitor baron of the exchequer'. This does not seem possible. I have already pointed out that the office of fifth baron lapsed with the accession of the new king in 1327. Even if this were not so, the duties of the fifth baron of 1323 were entirely different from those of the cursitor baron, of whose existence I have found no record earlier than the reign of James I (Foss, *Tabulae Curiales*, p. xxxviii). Nor is the title of cursitor baron to be found in a list of exchequer officials under Henry VIII (*Letters and Papers, Foreign and Domestic, Henry VIII*, iv (1) (1524-6), p. 870). I am indebted to Miss Florence M. Greir Evans for drawing my attention to this list. There were seven barons during the period 1324-6, in which Bellars's division of the exchequer prevailed (*ante*, xxxi. 462).

also appointed immediately, though it is a little difficult to trace their succession, since the dates of their admission to office do not appear on the Memoranda Rolls, and the Issue Rolls are not as explicit as one could wish.<sup>1</sup> There were, however, eight auditors at work from Michaelmas 1323, whose salaries were paid in accordance with the orders contained in a writ of Great Seal addressed to the treasurer and chamberlains on 15 November 1323.<sup>2</sup> The duty of auditing the accounts of the forfeited lands newly transferred from the jurisdiction of the chamber to that of the exchequer not only added to the work of the auditors but also greatly enhanced their prestige.

Within four years the whole question of auditors of foreign accounts was reconsidered. On 7 March 1326 the king directed this interesting and illuminating writ to the exchequer :<sup>3</sup>

*Baronibus pro Rege.*

Edward par la grace de Dieu &c. As tresorier et barons de nostre eschequier, saluz. Nous auoms entenduz ce qe nos chers et foialx Wautier de Norwyz,<sup>4</sup> Hervy Destaunton<sup>5</sup> et Maistre Robert de Ayleston<sup>6</sup> nous ount monstre a Leycestre touchant larrai et lestat de nostre dit eschequier.<sup>7</sup> Et voloms qe tote la chose demurge en meisme lestat qile est aore, tantque a la feste de seint Michel prochein auenir. Et vous mandoms qe entre ci et la facez faire une bone meison pur les acountes foreins, solonc ceo qe lavantdit Wautier, a qi nous auoms dit sur ceo pleinement nostre volente, vous enfourmera. Et voloms qe vous, auantdit tresorier et les chaumber-

<sup>1</sup> See list of auditors, p. 70, below. When Mr. Tout wrote that he could find no auditors appointed in 1322 to audit the accounts of the newly forfeited lands, but that the 'auditores compotorum in scaccario', 'ad compotos forinsecos in scaccario audiendos assignati' of Issue Roll, 1 Edw. III, Michaelmas, were probably the auditors appointed *ad hoc*, 'though their appointment was apparently not finally recorded until 1323-4', he was aware neither of the existence of auditors of foreign accounts prior to 1323, nor of the appointment of the special auditors of 1322, and had not observed that four of the auditors whose names he had found were appointed as a result of the Cowick Ordinance of 1323. Clearly the men appointed on 12 July 1322 are the auditors whom he sought (Tout, *Chapters*, ii. 341, and errata).

<sup>2</sup> Issue Roll, 17 Edw. II. Except in the case of Corton, who was paid under a writ of liberate of 12 May 1327. The entries in the Issue Rolls frequently refer to the writ of 1323. Up to that time all auditors of foreign accounts had received a fee of 20 marks a year; then presumably they were graded, some taking 20 marks, some £10, and others £5 6s. 8d. a year. In Easter term 1326 their fees were again revised, the 20 marks being reduced to £10 and the £5 6s. 8d. to £5 (Issue Rolls, 19 Edw. II-1 Edw. III).

<sup>3</sup> Exch. Mem. Roll, King's Rem., no. 101, 19 Edw. II, Breuia Directa Baronibus. Hilarii.

<sup>4</sup> Chief baron of the northern section of the exchequer.

<sup>5</sup> Chancellor of the exchequer.

<sup>6</sup> Baron of the northern section of the exchequer.

<sup>7</sup> Why Edward II consulted these particular three men only, it is not easy to say; but Roger Bellars, the chief baron for the southern division of the exchequer, had been murdered two months before, on 19 January 1326, so that it is not unreasonable to suppose that by this time, in effect though not by law, the exchequer had become once more united, and that Norwich would not unnaturally have with him one of his own immediate subordinates.

leyns de nostre eschequier, facez trouuer de nostre tresor les custages qe y couendront pur la fesaunce de la dite meson, de qoi nous vous enueoms garant par noz autres lettres. Et vous mandoms qe a plus tost qe vous purrez, aulsez vous combien des auditurs purront suffire pur oyer les acountes foreins, issint qils soient chescun an pleinement oyz, et auxint queux gentz de tot nostre roialme serront couenables destre auditurs, et des nouns de ceux qi vous entendez qe soient plus couenables pur ce tantque au noubre suffisaunt, od qi qils demoerent deinz nostre roialme, saunz nul esparnir; nous certifiez saunz delai souz le seal de nostre eschequier issint qe nous les puissoms maunder de venir au dit eschequier pur cels acountes oyr. Et pur ce qe nous voloms qe les dites acountes soient oyiz, auxibien apres manger come deuant. Et qe les auditurs de cels acountes demoergent adesseement deinz nostre paleis a Westmouster, destre touz iours prestz pur lour office faire a profit de nous et a diliueraunce et eese de nostre poeple; vous mandoms qe vous ordeinez saunz delai en quel lieu deinz le dit paleis ils purront plus couenablement demurrer<sup>1</sup> a greindre profit, et meindre nusaunce, Et facez saunz delai redrescer meisons couenables pur lour demoere la ou vous verrez qe miolz soit. Et enueoms a vous, auantditz tresorier et chaumberleins, garant des custages pur le redrescement. Et nous certifiez saunz delai de tote la busoigne, et ce qe vous en auerez fait et ordeinez. Done souz nostre priue seal a Leycestre le vii<sup>e</sup> iour de Marz, lan de nostre regne xix<sup>me</sup>.

The first section of the third exchequer ordinance, issued from Westminster on 30 June 1326, referred again to the subject of a separate house for the business connected with foreign accounts<sup>2</sup>:

Et touz les autres acountes, qi sont nomez foreins acomptes, soient oiz et renduz en autre meson, joignant de coste, a ceo purueue, . . . ou nul ny vigne forsque ceuz qi aueront les acountes a rendre et lour clerks, et les auditours qi serront assignez a les oir et exploiter, ou autres qi sur meismes les acountes auerront especialement a faire.

Certain of the barons were to superintend the work of the auditors, and any allowances which were to be made on such accounts were to be made in full exchequer. Thus although practically the audit of foreign accounts formed a distinct and separate department, the connexion with the central office was not severed entirely. I have not so far found any accounts for the expenses of providing the new house for the auditors, but I should not be surprised if a more careful search produced some evidence on the point. The revision of the auditors' fees in Easter term 1326 has already been mentioned,<sup>3</sup> but beyond this, it does not appear that the treasurer and barons made any radical changes either in the personnel of the auditing staff, or

<sup>1</sup> 'rr' in the middle of the word written over some other letters—obviously a correction.

<sup>2</sup> *Red Book*, iii. 932—the foreign accounts are here enumerated at length.

<sup>3</sup> See p. 68, n. 2, above.

in regard to their methods of work.<sup>1</sup> That it was deemed expedient to have such a highly organized, self-contained department of foreign audit, now that the foreign accounts were more clearly separated from the normal exchequer accounts with rolls of their own, and such offices as the great wardrobe, the butlery, and the hanaper of chancery were to account directly to the exchequer,<sup>2</sup> affords further proof of the exchequer's ultimate triumph in all matters financial.<sup>3</sup>

I have appended to this note a list of auditors between 1310 and 1327 drawn from the records of the exchequer.<sup>4</sup>

DOROTHY M. BROOME.

*Auditors of the Exchequer, 1310-27.*

William Fulburn	Admitted 3 November 1310	Exch. Mem. Rolls, King's Rem., no. 84. Lord Treas. Rem., no. 81, <i>Communia Michaelis Recorda.</i> Issue Rolls, 4 Edw. II-11 Edw. II, <i>Michaelmas.</i>
William Corton	Admitted 3 November 1310	Exch. Mem. Rolls, King's Rem., no. 84. Lord Treas. Rem., no. 81, <i>Communia Michaelis Recorda.</i> Issue Rolls, 4-18 Edw. II.
Theobald Bray	Admitted 3 November 1310	Exch. Mem. Rolls, King's Rem., no. 84. Lord Treas. Rem., no. 81, <i>Communia Michaelis Recorda.</i> Issue Roll, 4 Edw. II.
Edmund Donnington	Admitted 27 January 1311	Exch. Mem. Rolls, King's Rem., no. 84. Lord Treas. Rem., no. 81, <i>Communia Michaelis Recorda.</i> Issue Roll, 4-8 Edw. II.
Robert Waketield	Admitted 1 February 1312	Exch. Mem. Roll, Lord Treas. Rem., no. 81, <i>Communia Michaelis Recorda.</i> Issue Rolls, 5 Edw. II, Easter-7 Edw. II.
Robert Thorp	Acting from 29 September 1314	Issue Rolls, 8 Edw. II-15 Edw. II, <i>Michaelmas.</i>
Richard Louth	Admitted 23 April 1316	Exch. Mem. Rolls, King's Rem., no. 89. Lord Treas. Rem., no. 86, <i>Communia Pasche Recorda.</i> Issue Roll, 9 Edw. II, Easter.
William Coshall <sup>5</sup>	Acting Easter term 1323 to end of Easter term 1324	Issue Roll, 17 Edw. II, Easter.

<sup>1</sup> See list below. In 1327 the number of auditors at work was nine (Issue Rolls, 20 Edw. II-1 Edw. III).

<sup>2</sup> *Red Book*, iii. 908-68, for the Exchequer Ordinances of 1323, 1324, and 1326; Tout, *Place of Edward II*, pp. 157, 178, 314, for the York Ordinance of 1323.

<sup>3</sup> The number of auditors in office together was reduced within the first ten years of the reign of Edward III, when the lands confiscated in 1322 were restored and the arrears of accounts much reduced, but this in no wise detracted from the importance of the department of the auditors of foreign accounts.

<sup>4</sup> Here I should like to express my thanks to Professor Tout for his criticism and advice, and to Mr. Hilary Jenkinson for the help he has given me in preparing this article for publication.

<sup>5</sup> As auditor of forfeited lands' accounts in Easter term 1323.

Henry Allestre <sup>y</sup> <sup>1</sup>	Entered office 11 August 1323	Issue Rolls, 17-19 Edw. II.
William Newton <sup>1</sup>	Entered office 11 August 1323	Issue Rolls, 17 Edw. II-19 Edw. II, Michaelmas.
Roger Gildesburgh <sup>1</sup>	Entered office 11 August 1323	Issue Rolls, 17-20 Edw. II.
Walter Bredon <sup>2</sup>	Entered office 11 August 1323	Issue Rolls, 17-20 Edw. II.
Ralph Benton	Acting from 29 September 1323	Issue Roll, 17 Edw. II, Michaelmas.
Hugh Glanville <sup>3</sup>	Acting from 29 September 1323	Issue Rolls, 17 Edw. II-19 Edw. II, Michaelmas.
Nicholas Newbold	Acting from 29 September 1323	Issue Roll, 17 Edw. II, Michaelmas.
William Bath <sup>4</sup>	Entered office 18 November 1323	Issue Rolls, 17 Edw. II, Easter-20 Edw. II.
John Chisenhall <sup>5</sup>	Acting from 11 June 1324 to the end of Trinity term	Issue Roll, 17 Edw. II, Easter.
Walter Fulburn <sup>6</sup>	Entered office 14 February 1325	Issue Rolls, 19-20 Edw. II.
Adam Bridlington	Acting from 29 September 1325	Issue Roll, 19 Edw. II, Michaelmas.
Laurence Rustington <sup>7</sup>	Acting Easter term 1325	Issue Rolls, 18 Edw. II, Easter-20 Edw. II.
Ambrose Newbury <sup>8</sup>	Acting Michaelmas term 1325	Issue Roll, 19 Edw. II, Easter.
Richard Louth <sup>9</sup>	Acting from 29 September 1325	Issue Rolls, 19 Edw. II, Easter-20 Edw. II.
Richard Tye <sup>9</sup>	Acting for the whole of 19 Edw. II	Issue Roll, 19 Edw. II, Easter.
Thomas Blaston <sup>9</sup>	Entered office 3 November 1325	Issue Roll, 19 Edw. II.
Richard Whotton <sup>10</sup>	Acting Michaelmas term 1326	Issue Roll, 20 Edw. II.

<sup>1</sup> All these received salary of £10 a year 'per breue de magno sigillo thesaurario et camerariis directum datum apud Nottingham xv. die. Novembris anno xvii<sup>o</sup>' (Issue Roll, 17 Edw. II, Easter).

<sup>2</sup> All these received salary of £5 6s. 8d. a year on the same authority.

<sup>3</sup> One of the clerks 'late assigned to hear foreign accounts in the exchequer'; paid £2 on 13 August 1324 'per breue de magno sigillo quod est inter breuia de termino sancti Michaelis proximo preterito et per discretionem domini Walteri de Norwico' (Issue Roll, 17 Edw. II, Easter).

<sup>4</sup> To audit 'foreign accounts of forfeited lands', and to receive a fee of £10 a year according to the new order of the treasurer and barons, and to the writ of Great Seal of 17 Edw. II.

<sup>5</sup> Received £10 a year.

<sup>6</sup> Received £5 a year.

<sup>7</sup> Received £5 a year by the order of 1326 and the writ mentioned in n. 2, p. 68.

<sup>8</sup> 'Clericus existens ad scaccarium ad audiendos compotos de terris forisfactis in subuencionem auditorum supradictorum.' He received £10 a year (Issue Roll, 19 Edw. II, Easter).

<sup>9</sup> Received £10 a year by the order of 1326 and the writ mentioned in n. 2, p. 68.

<sup>10</sup> Received £10 a year by the order of 1326. In 1326 also John Holt was apparently elected to be an auditor, but he did not act, because the king ordered otherwise (Exch. Mem. Roll, King's Rem., no. 103, m. 19 d).

*Bohemian Scholars and Students at the English  
Universities from 1347 to 1750*

THERE were doubtless a few Bohemian students at Oxford in the early part of the fourteenth century before the foundation of the Caroline university of Prague in 1347/8. Anthony Wood states that 'according to the supposition of some of this University that bin learned in antiquities' the name of Biham or Beam Hall at Oxford was a corruption of Aula Boemii (Bohemiae), 'as if the scollers of that nation resided there before the university of Prague was established'.<sup>1</sup> Even if we set aside this rather dubious learning, it is quite certain that Adelbert Ranco ab Ericinio (Voytěch Raňkův z Ježova), the celebrated Czech schoolman and theologian, who was rector of Paris University in 1355, had also studied for some time at Oxford.<sup>2</sup> Raňkův, who died in 1388, left money by his will to found scholarships to assist poor Czech students to study theology or the liberal arts at the universities of Oxford or Paris.<sup>3</sup> It is probable that most of the Bohemian students who found their way to Oxford in the fourteenth century came like Raňkův from Paris, but a few students such as Jerome of Prague came to Oxford direct from Prague.<sup>4</sup> The high reputation which Oxford then enjoyed at the Bohemian university is illustrated by a statute of Prague passed in 1367, providing that students who dictated books to their fellow students were to dictate only works 'ab aliquo vel aliquibus famoso vel famosis de universitate Pragensi, Parisiensi vel Oxoniensi magistro vel magistris compilata'. Similarly bachelors were enjoined to confine their comments to the *dicta* of such masters.<sup>5</sup> The close connexion existing between the two universities at this period is also shown in the academic correspondence about the papal schism dating from the year 1380, in which Oxford addresses Prague as her sister foundation.<sup>6</sup> The works of Wiclif, the Oxford theologian, began to circulate in Prague from

<sup>1</sup> Wood, *City of Oxford*, ed. Clark, i. 184. In Middle English Bohemia is written 'Boem' or 'Baewme', so that the change to 'Beam' is philologically possible (e. g. *Cal. of Patent Rolls*, 1354-60, p. 98). Cf. 'Aula Boemii' in a lease of 1490 in *Epistolae Academicæ Oxon.* ii. 601.

<sup>2</sup> Jakubec, *Dějiny literatury české*, p. 73; Loserth in *Archiv für oest. Geschichte*, lvii. 214, 221; and Tadra in *Časopis Musea Českého*, 1879. See also text of will in *Mitteilungen des Vereines für Geschichte der Deutschen in Böhmen*, xvii. 210. Such scholars must be 'de natione Boemorum ex utroque parente'. The trust was to be administered by the *scholasticus* of St. Vitus's Cathedral at Prague if he were a Czech.

<sup>3</sup> Jakubec, p. 74.

<sup>4</sup> Lützw, p. 300; Jakubec, p. 132. Jerome was at Oxford in 1398 and made copies of the *Dialogus* and *Trialogus* of Wiclif.

<sup>5</sup> *Monumenta Univ. Prag.* i. i. 13.

<sup>6</sup> Madan, *Oxford Books*, ii. 11. The title of the first letter is 'Oxoniensis Universitas Pragensi Sorori suae'.

about 1401–2,<sup>1</sup> and his reputation as a philosopher soon secured a welcome for his heretical theology among the Bohemian masters. A few years later, however, the suppression of the Lollard movement in England isolated our universities from Prague, which in the course of the fifteenth century was completely captured by the Calixtines (Utraquists).

This accounts for the apparent absence of Bohemian students at the English universities from about 1415 up to the period of the Reformation. At the beginning of the sixteenth century the university of Prague, dominated by the Utraquists, was very suspicious of the new learning, which had come from Italy, the stronghold of the papacy, through hostile Germany, and several leading Czech humanists preferred to go to foreign universities such as Basel and Heidelberg. For example, the famous scholar Gelenius (Zikmund Hrubý z Jelení, 1497–1554), after trying unsuccessfully to obtain a chair of Greek at Prague, migrated to Basel, where he resided up to the time of his death in 1554.<sup>2</sup> In the same way the Unitas Fratrum and the Bohemian Lutherans, distrusting the Utraquist traditions of Prague, usually sent their students to the German universities, especially Königsberg, Wittenberg, Basel, and Heidelberg.<sup>3</sup> In 1549 the Unitas Fratrum sent three theological students, one of whom was the celebrated Blahoslav, to Basel.<sup>4</sup> Similarly in 1576 four students were sent to Heidelberg. The available evidence seems to indicate that just as in the fourteenth century some Bohemian students came on to Oxford from Paris, so in the sixteenth century the few Bohemian students who went to the English universities came by way of the German universities, especially Heidelberg, Basel, and Wittenberg.

For example, John Bernardus, one of the four students sent by the Unitas to Heidelberg in 1576,<sup>5</sup> proceeded to Oxford, where he matriculated from University College at the age of twenty-eight on 1 December 1581. He is described as 'Moravus, plebei filius'. As a master of arts he supplicated to be incorporated as B.D. on 20 June 1583 and was admitted to that degree on 22 June. He had been studying theology for ten years at German universities and was to proceed to those of Scotland.<sup>6</sup>

<sup>1</sup> Loserth, *Wiclif und Hus*, pp. 73–4.

<sup>2</sup> Jakubec, p. 251.

<sup>3</sup> Gelenius had prepared the way for Czech students at Basel, and the Unitas Fratrum were gratified by the tolerant tone of the famous Heidelberg Catechism (1563).

<sup>4</sup> Cröger, *Geschichte der alten Brüderkirche*, i. 260, 283. Blahoslav visited Gelenius at Basel in 1550 (see Jakubec, p. 267).

<sup>5</sup> Cröger, ii. 74. The original Czech form of the name was probably Bernat or Bernašek.

<sup>6</sup> *Register of the University of Oxford*, ed. Clark, i. 380, ii. 114, iii. 117; *Fasti Oxon.* i. 224.

On 5 May 1579 Jerome Šlik or Schlick,<sup>1</sup> count of Passaun, and lord of Weisskirchen and Schlackenwerth was incorporated B.D. in Oxford. The Register states that he had studied literature for a short time at Prague,<sup>2</sup> and for five years at Leipzig, where he had been twice elected rector, and finally had spent a year at Marburg 'ubi sacram theologiae professus publice editis orationibus et privatim habitis concionibus rectorem per annum egit'. His B.D. diploma, given under the academic seal and dated 5 May 1579, stated that his ancestors and parents had suffered severely in the Schmalkaldic war (1546–7), that he came to Oxford recommended by great princes, and that he had studied theology there for several months 'audiendo, disputando et concionando'. This Jerome Šlik was the second son of Count Jerome Šlik (died 1572) and Lucretia von Salm. After leaving Oxford he proceeded to Geneva in 1580 and from there to Würtemberg, where he was made a councillor in 1584. He abandoned the clerical vocation and in 1585 married Anne Salome von Oettingen.<sup>3</sup>

On 25 February 1586/7 Wenceslaus (Vaclav) Lavinius,<sup>4</sup> a Moravian, who had studied medicine for twenty years in France, Germany, and Italy, and had been licensed to incept in medicine at Wittenberg 'sub Pensero', was admitted as M.D. of Oxford on condition that he gave three 'solennes lectiones' before his departure. He had presented letters of introduction from Sir Francis Walsingham, and from Massionius Fontanus and J. Castolus, 'pasteurs' of the French church in London. Castolus's letter stated that he had spent a year in London, had brought a letter of introduction from Beza, and that he was 'rector peregrinationum et familiae praefectus' of Baron di Zerotini, a Moravian.<sup>5</sup> Lavinius was evidently governor and tutor to the young Vratislav z Žerotin, grandson of Charles z Žerotin and second son of Vratislav z Žerotin (who died in 1600).<sup>6</sup> The Žerotin family, whose principal estates were situated in Moravia, were devoted adherents of the Unitas Fratrum, and it is significant that Lavinius had studied at Basel and Wittenberg, the universities specially favoured by members of the Unity. An interesting sidelight is thrown on the position held by Lavinius's patron at Basel by a D.D. diploma of that university submitted by Rev. James Meadows (Meddusius) of

<sup>1</sup> The Šliks came from Lusatia, which formed part of the Bohemian kingdom up to 1632. Several members of the family, including two named Jerome, studied at the university of Prague in the sixteenth and early seventeenth centuries (Winter, *O životě na vysokých školách Pražských*)

<sup>2</sup> *Register*, II. i. 77 'qui operam literis dedit per brevium Pragae,' &c.

<sup>3</sup> *Ottův Slovník*, s.n.

<sup>4</sup> The original Czech form was probably Lavecký, or Lavický.

<sup>5</sup> *Register*, II. i. 379, and *Fasti Oxon.* i. 340. Beza had presented a codex of the New Testament in Greek and Latin to Oxford in the spring of 1582. See his letter of October 1582 in Fuller, *Church History*, ed. Brewer, iv. 470.

<sup>6</sup> *Ottův Slovník*.

Cheshire to the university of Oxford in October 1609 in applying for incorporation 'ad eundem gradum'.<sup>1</sup> This diploma stated that on 8 January 1595/6 he was presented for his doctorate to the rector of Basel in the presence of four barons, Samuel and John Slupecius, Poles; Stanislaus Zelenias de Zelanka; and Vratislaus z Žerotin, a Moravian. This Vratislav z Žerotin, after studying for several years at Basel, went to Italy, where he died at Padua on 29 January 1595. He was buried at Holešov in Moravia.<sup>2</sup>

The Oxford Register also contains the names of the following Bohemian students, who matriculated from Christ Church about 1574, but who apparently never took their degrees at Oxford :

Iohannes Haick, Bohemus, gentilis filius.

Simon Haick<sup>3</sup>                   "                   "                   "

The list of persons admitted to use the Bodleian Library contains the names of several students from Silesia, which at that time formed part of the kingdom of Bohemia, and also the names of the following scholars from Bohemia proper :

On 11 Dec. 1609, Daniel ab Heckensberg, 'Generosus Bohemus ex Aula Imperatoris'.

On 27 April 1611, John Venner of Prague.

The Silesian names are all German, except the following :

8 Jan. 1603, Frederic a Zedlitz.

8 July 1603, John Nicholas a Nostitz.<sup>4</sup>

The legal and administrative changes introduced by Ferdinand II after the victory of the imperial arms at the White Mountain in November 1620 compelled a large proportion of the most highly educated Bohemians to go into exile. Under Ferdinand's rescript of 31 July 1627 Roman catholicism was the only cult (except Judaism) tolerated in Bohemia and Moravia, and the very numerous non-catholic Christians, Bohemian Brethren, Lutherans, and Calvinists had either to conform to the Roman church or leave the country. A considerable number of these exiles visited England, including John Amos Comenius himself, who spent some months in London in 1641-2; but very few found their way to the universities.<sup>5</sup> A few of them had indeed what may be

<sup>1</sup> *Register*, ii. i. 375 and *Fasti Oxon.* i. 340.

<sup>2</sup> *Ottův Slovník*. The young Žerotin was evidently a delicate youth, and Lavinius probably acted as his personal physician.

<sup>3</sup> *Register*, ii. 57. Haick is a germanized form of Hajek or Haječek. Simon Haick is almost certainly the same person as 'Simeon Haecius Boëmus', who took his B.A. from Corpus Christi College, Cambridge, in 1581, having previously studied for twelve terms at Strasburg, Oxford, and Cambridge. On 18 May 1582 he was granted a B.A. diploma, stamped with the university seal, to take back with him to Bohemia (*Cambridge Grace Book*, A, fo. 349, 357, 490).

<sup>4</sup> *Register*, i. 264, 267, 271.

<sup>5</sup> Comenius writing in 1635 refers to 'certain Moravian students in England' (*Opera Didactica*, i. 404).

described as non-academic connexions with the universities, such as Jan Sictor of Rokitzan, a Czech Latinist, who published a book at Cambridge in 1644,<sup>1</sup> or Comenius, several of whose works were published at the Oxford press,<sup>2</sup> or the famous engraver, Wenceslaus Hollar,<sup>3</sup> whose views of Oxford are so well known. I have, however, confined myself to those exiles and their descendants who took degrees, or at any rate studied at the universities, giving short biographies of those who settled permanently in England.

The most interesting figure among them is George Ritschel, a Bohemian Lutheran, from north-western Bohemia. Our principal authority for his life is the notice by Anthony Wood. Wood appears to have taken considerable trouble over this biography, and his account, so far as it can be checked from other sources, such as Comenius's letters and the epitaph in Hexham Church, seems to be substantially correct.<sup>4</sup> It tells us that Ritschel was born on 13 February 1616 at Deutschkana<sup>5</sup> 'in the borders of Bohemia', and was sent in 1633 to the university of Strasburg. On the death of his father in 1640 he, 'rather than he would conform to the Church of Rome agreed with his younger brother that he should have the estate to which he was heir conditionally that he would furnish him with money to travel to foreign parts'. His brother accepted this arrangement and Ritschel proceeded to Oxford, where he was admitted as a reader in the Bodleian Library on 3 December 1641. On the outbreak of the rebellion in the following year he left for Holland, where he spent some time at the university of Leyden and is said by Wood to have acted as tutor to the sons of George Rakoczy, prince of Transylvania. In 1642/3 he went to Denmark, where he spent two years with his friend John Ravius, the professor of rhetoric ('Eloquence') at the Knightly Academy at Sora (Soröe). In November 1644 Comenius engaged Ravius and Ritschel to spend the winter with him at Elbing as additional literary assistants for his great didactic and pansophic undertaking, which was being financed by Louis de Geer.<sup>6</sup> Ritschel, after visiting several noble-

<sup>1</sup> *Compendium Religionis Christianae* (in Latin verse). He published eight other Latin books in London between 1629 and 1648. See also his petition to the House of Commons in 1648 in 10th Report, *Hist. MSS. Comm.*, 6th Appendix, p. 159.

<sup>2</sup> Madan, *Oxford Books*, i. 181, 197. The *Praeludia* was published at Oxford in 1637.

<sup>3</sup> Hollar, who belonged to a legal family, had probably left Bohemia for economic and political reasons (F. A. Borovsky, *Vacláv Hollar*; Maynard Smith, *John Evelyn*, p. 161).

<sup>4</sup> *Athenae Oxonienses*, iv. 124. Wood collected material for this biography from several people at Newcastle-on-Tyne (Clark, *Wood's Life and Times*, iii. 174, 349).

<sup>5</sup> Deutschkana (Deutschkahn) is a village in the administrative district of Aussig. The modern Czech name is Německé Chvojné.

<sup>6</sup> Paters, *Korrespondence J. A. Komenského*, nos. 77 and 80. Comenius explains in a marginal note on letter 77 that Ritschel would be of no assistance for the didactic portion of the work.

menin East Prussia, arrived at Elbing from Königsberg in December 1644 and remained there with Comenius till the end of June 1645, when he left for England.<sup>1</sup> In three letters of May, June, and August 1645 Comenius tells Hutton that Ritschel will give him a full account of his work at Elbing.<sup>2</sup> It appears from a later letter from Comenius to Hutton, dated 12 November 1645, that Ritschel, who had travelled to England by way of Hamburg and Holland, had called on Hutton, who was surprised to find that his views were strongly Lutheran.<sup>3</sup> It is clear from Comenius's letters that up to 1647 Ritschel was still being paid as his literary assistant for the metaphysical portion of the great pansophic work. In January 1647 Comenius wrote to Ritschel, sending him fifty imperials and urging him to forward his metaphysical work to Elbing.<sup>4</sup> On arriving in England in the early autumn of 1645 Ritschel spent some time in London.<sup>5</sup> About 1646/7 he seems to have gone again to Oxford, where according to Wood he was admitted as a member of Trinity College, and took up his residence in Kettle Hall.<sup>6</sup> Wood is uncertain whether he ever took a degree at Oxford, and the Latin epitaph only describes him as laden with academic trophies from Strasburg and Leyden. He became a 'severe and constant student in the Bodleian', collecting materials for his work on metaphysics. In 1647 Comenius wrote to Ritschel begging him to return to Elbing. Ritschel replied that he could do more for Comenius in England, and that splendid offers had been made to him for the future.<sup>7</sup> In a letter of 5 June 1647 Comenius, to whom Ritschel had sent a portion of his work on metaphysics, expressed some dissatisfaction with the general scheme of the draft treatise and urged

<sup>1</sup> Comenius had agreed to pay him 100 imperials, if he resided in the same house, as in fact he did (Patera, no. 80 'Recepi autem eum ad me, ut mecum sit perpetuo').

<sup>2</sup> Patera, nos. 86, 87, 88. Comenius describes Ritschel as 'studiorum meorum intime gnarus'.

<sup>3</sup> Patera, no. 94 'De ipsius lutheranismo praemonendum te fuisse agnosco, factumque putavi; certe dominum Duræum [i.e. John Durie] et Hartlibium monuisse memini.' His Lutheran views are also alluded to by Magnus Hesenthaler of Tübingen (1621-81) in a letter of August 1671 to G. W. Leibnitz (Kvačala, *Analecta Comeniana*, p. 149).

<sup>4</sup> Patera, nos. 107, 108. The money was sent through Samuel Hartlib. In January 1647 Comenius wrote to the Reformed clergy of the Netherlands begging them to send fifty imperials to Ritschel 'iuvenem mihi propter raras ingenii dotes adamatum'. He added that Ritschel was in great distress and that it would be most unjust to desert him in his adversity.

<sup>5</sup> Wood, following the epitaph, implies that he returned to Oxford in 1644, which is clearly incorrect.

<sup>6</sup> There is no entry about him in the college Admission Books, but he may have been admitted as a guest.

<sup>7</sup> Patera, no. 106 (a fragmentary letter from Comenius to Ritschel apparently written in 1646/7) 'quod scribis te Oxoniam videndi, bibliothecas penetrandi, eoque selectissimis observatis thesauros nostros augendi, adeo flagrare desiderio, ut splendidissimas recusare malueris occasiones, agnosco laudabilem constantiam.' See also Gindely, p. 103.

Ritschel to concentrate on it, as he himself had concentrated on the didactic portion of the pansophic scheme.<sup>1</sup>

Towards the end of 1647/8 Ritschel published at the Oxford press a philosophical treatise entitled, *Contemplationes Metaphysicae ex Natura Rerum et Rectae Rationis Lumine Deductae—Auctore Georgio Ritschel Bohemo*, with a dedication to Sir Cheney Culpeper and Nicholas Stoughton.<sup>2</sup> The lengthy preface, addressed 'Benevolo lectori', is dated 'Oxoniae Anglorum, 1647'. Although it was to be widely read on the Continent, Comenius appears to have been much disappointed with Ritschel's work, which he hoped would have formed an important contribution to his pansophic scheme. He described it as prolix and obscure,<sup>3</sup> and he himself composed a fragment on metaphysics in 1649, which is included in the list of his published works.<sup>4</sup> Ritschel's book, however, was much appreciated by Magnus Hesenthaler of Stuttgart, who refers to it in three letters written to Leibniz in 1671, and who reissued it in a revised form at Frankfort on the Main in 1680.<sup>5</sup> On 29 August 1648 Ritschel was appointed head master of the free grammar school at Newcastle-on-Tyne, and in 1649 the common council of the municipality voted him an addition of £10 to his salary in recognition of his ability and industry.<sup>6</sup> In 1655/6 he was appointed curate and lecturer of Hexham, and as incumbent of that parish signed in August 1657 an address to Cromwell from the ministers of Newcastle and the adjoining district.<sup>7</sup> In 1661 he published his *Dissertatio de*

<sup>1</sup> Patera, no. 112 'accepi tuas, quibus te Oxonii vivere measque (cum sub-diolo) accepisse doces.' It is evident from letters 105 and 112 that Comenius, who regarded metaphysics as an art rather than a science, disagreed with Ritschel's general view and treatment of the subject. 'Placet ἀκριβεια, sed prolixitudo videtur inesse maior quam expediat, si iuventutis et scholarum usibus haec accommodata volumus' (Patera, no. 112). Comenius also begs him to write more legibly.

<sup>2</sup> See the description of the work (of which there is no copy in the British Museum Library) in Madan, *Oxford Books*, ii. 477. Sir Cheney Colepepper of Kent (1601–63) was a B.A. of Hart Hall, Oxford, and a member of the Inner Temple. He was buried in the Temple Church. He was also a friend of Comenius: Foster, *Alumni*; *Inns of Court Register*; and Patera, no. 145 (letter of 9 September 1654 to Hartlib). Nicholas Stoughton (1592–1647/8) of New College, Oxford, and the Inner Temple, was M.P. for Guildford from December 1648 till his death in 1647/8 (Foster, *Alumni* and *Inns of Court Register*.)

<sup>3</sup> In a letter of 5 June 1647 to Hartlib (Patera, no. 111) Comenius writes, 'Repperi, quae placent et displicent. Placet accuratio cui bene insisit; displicet prolixitas et obscuritas.' He adds that he is anxious to see the complete treatise.

<sup>4</sup> Gindely, *Comenius*, p. 26. Cf. Kvačala, *Korrespondence J. A. Komenského*, ii, no. 122.

<sup>5</sup> Kvačala, *Analecta Comeniana*, pp. 147–9. In one of these letters he refers to it as 'Hartmanni Ritschelii contemplationes metaphysicae', which may indicate that Paul Hartman, who had been in England since 1657, had collaborated with Ritschel in revising the book. Cf. Kvačala, ii, nos. 112, 113, 145, 148.

<sup>6</sup> Brand, *History of Newcastle-upon-Tyne*, i. 91. Ritschel's father was related to a Mrs. Butler of Newcastle (*Diary of A. Barnes*, p. 56).

<sup>7</sup> *Diary of Ambrose Barnes* (Surtees Society), p. 375; Thurloe, vi. 431; *Northumberland County Hist.* iii. 169, 172; Randall, *State of the Churches*.

*Caerimoniis Ecclesiae Anglicanae*—auctore Georgio Ritschellio *Hexamiae in Northumbria Ministro* with a dedication to Dr. John Cosin, bishop of Durham. Wood states that this treatise gained him great credit with his diocesan, and that it was also commended by the celebrated Dr. John Durel, in his work, *Sanctae Ecclesiae Anglicanae Vindiciae*, published in 1669. The book is also favourably mentioned in Kennett's *Register* (1728), pp. 487 and 542. Ritschel died in November 1683 and was buried in the chancel of Hexham Church, where a marble tablet with a Latin inscription commemorates his merits and learning.<sup>1</sup> Wood states that Ritschel had sent shortly before his death to Magnus Hesenthalerus at Stuttgart his 'Ethica Christiana' in two manuscript volumes and his 'Exercitationes Sacrae' in one quarto. Hesenthaler undertook to have them printed, but it is doubtful whether they were ever published. Ritschel also left with his son John two manuscript works, one entitled 'De Fide Catholica', and the other a Latin treatise against the English Quakers. These works are mentioned in a letter of August 1671 from Hesenthaler to Leibniz.<sup>2</sup>

Ritschel married a lady from Carlisle and had two sons, of whom George, the eldest, was educated at the free grammar school at Newcastle and at St. Edmund Hall, Oxford, where he matriculated on 8 May 1674 at the age of 17. He took his B.A. on 17 January 1677, and succeeded his father as curate of Hexham in 1683 and as lecturer in 1684.<sup>3</sup> He took an active interest in the administration of local charities and addressed a letter to the archbishop of York on 4 March 1699 regarding the Hexham free grammar school.<sup>4</sup> In the same year he entered into a controversy with a catholic polemical writer, Thomas Ward, a friend of the Radcliffe family, whose lengthy reply was printed long after, in 1819, from Ward's manuscript under the title of *A Controversy with Mr. George Ritschell, Vicar of Hexham, by Thomas Ward*. In 1713 he published an account of certain Tyneside charities to which was appended a brief account of the parish and church of Hexham.<sup>5</sup> He died in 1717 and was buried in the choir of

<sup>1</sup> *Northumberland County Hist.* iii. 198. See also Mackenzie, *Hist. View of Northumberland*, ii. 280, and Wright, *History of Hexham* (1823). The present incumbent of Hexham informs me that the stone is now placed in the north transept, and that the inscription is quite illegible. The entry in the parish register runs as follows: 'Mr. George Ritschell, Minister of this Parish about 27 years was buried in the quire in linnen upon St. Andrews Day, 1683.' Cf. Major Algood, *Sermon at Funeral of George Ritschel*, London, 1684, pp. 19-20.

<sup>2</sup> Kvačala, *Analecta*, pp. 147-9. Hesenthaler speaks of Ritschel as an old personal friend, and says that he had urged him to write a work on Christian ethics.

<sup>3</sup> *Scholae Novocastrensis Alumni*; and Foster, *Alumni Oxonienses*. There is a very full biography of Ritschel in *Northumberland County Hist.* iii. 170-1.

<sup>4</sup> *Northumberland County Hist.* iii. 221.

<sup>5</sup> *Ibid.* p. 171.

Hexham Church.<sup>1</sup> In his will dated 14 June 1717 he left sums of money to various local charities.<sup>2</sup>

John, the younger son of the elder George Ritschel, was born at Hexham in 1661 and was admitted as a servitor to Trinity College, Oxford, in January 1679, matriculating in March of the same year.<sup>3</sup> He took his B.A. from St. Alban's Hall in 1683 and was incorporated at Christ's College, Cambridge, in 1687, taking his M.A. from there in the same year. He was vicar of Bywell St. Andrew, Northumberland, from 1690 till his death in June 1705. He was buried in Hexham Church.<sup>4</sup>

A pathetic sidelight is thrown on the sufferings of the exiles by the petition of Wenceslaus Libanus<sup>5</sup> of Moravia to Charles II for the living of Walpole St. Andrew in Norfolk, valued at £100 a year. Libanus had been ordained by Comenius as an acolyte of the Unity at the synod held at Lissa (Lezno) on 14 October 1638<sup>6</sup> and afterwards lived for some time in exile in Hungary. He says in his petition to the king dated 28 April 1669,<sup>7</sup> that he was born in Moravia, and being a member of the poor persecuted Bohemian church had been tossed up and down the world for forty years. He had come to England, and having acquired a knowledge of the English tongue had put himself in holy orders and had been a constant preacher in Hertfordshire for five years as a curate. He annexed to his petition a certificate by Dr. John Durel, that he was a priest of the church of England and a very good preacher. Libanus was presented to the living of Walpole St. Peter in 1669, but died shortly after his induction, and according to the entry in the parish register was buried at Walpole on 22 January 1670.<sup>8</sup> His son John, who is also described as an exile from Bohemia 'religionis ergo',<sup>9</sup> entered at St. Mary Hall, Oxford, on 14 May 1678 at the age of fifteen, but migrated to Cambridge and was admitted as a pensioner at Peterhouse on 9 June 1682. He took his B.A. in 1682 and his M.A. in 1687, and on 2 July 1688 was inducted as rector of Ashwell in Hertfordshire, succeeding the

<sup>1</sup> The entry in the parish register runs: 'Mr. G. Ritschell, Minister, who suckseeded his father nigh 34 years, buried in the quire.'

<sup>2</sup> The will is quoted in full in *Northumberland County Hist.* iii. 171.

<sup>3</sup> In the entry in the college Admission Book, kindly supplied to me by the present president, he is described as 'filius Georgii Ritschelii Hexamiensis in Northumbria Bohemi Hexamiae natus'. The word 'Bohemi' written above the original entry, apparently by President Bathurst, is interesting.

<sup>4</sup> Foster, *Alumni Oxon.*; *Christ's College Biographical Register*, ii. 106; *Northumberland County Hist.* vi. 248.

<sup>5</sup> The original Czech form was probably Libansky or Libensky.

<sup>6</sup> *Korrespondence J. A. Komenskeho*, ii. 182, 194.

<sup>7</sup> *Calendar of State Papers, Dom.*, 1668-9, p. 311.

<sup>8</sup> Entry in parish register.

<sup>9</sup> See the full notice of his son John Libanus (1694-1746) in the *Biographical Register of Christ's College, Cambridge*, ii. 172. Also Foster, *Alumni Oxonienses*, and Chauncy, *Hertfordshire*, i. 77.

celebrated Dr. Ralph Cudworth. He died at Ashwell in 1709. His son John, born at Ashwell in 1694, was educated at Buntingford School and entered Christ's College, Cambridge, as a sizar in 1709. He was admitted as a scholar on 8 July 1710 and took his B.A. in 1712 and his M.A. in 1716. He was ordained deacon in 1715 and priest in 1718, and was instituted as vicar of Witcham, in the Isle of Ely, on 3 December 1720.<sup>1</sup> He obtained a dispensation dated 3 April 1733 to hold the living of Witchford in addition to that of Witcham. He was also chaplain to Lord Willoughby de Broke and died in 1746.<sup>2</sup> His son Pyers Libanus, born in 1725 and described as a native of Cambridgeshire, was educated at Haddenham School and was admitted as a sizar to Peterhouse on 13 May 1741, but in the following October became a pensioner of the college. He took his B.A. in 1744 and his M.A. in 1748. He was appointed librarian of Peterhouse on 2 June 1742 and was elected to a fellowship in 1747. He was one of the taxors of the university in 1750 and a moderator in 1749/50. He died in May 1752.<sup>3</sup>

Paul Hartman was the younger son of the Rev. Adam Hartman, a prominent priest of the Unity, who had been incumbent of the famous Bethlehem Chapel at Prague from 1618 to 1621.<sup>4</sup> Adam Hartman took refuge at Thorn (Torun) in Poland, where Paul was born about 1638. At his own request the young Hartman was sent to England by Comenius in 1657<sup>5</sup> with his elder brother, Adam Samuel Hartman, rector of the college at Lissa (Lesno), to collect funds for the distressed communities of the Brethren in Poland and eastern Germany, which had sustained a severe blow by the burning of Lissa in April 1656.<sup>6</sup> When his brother and Paul Cyrillus had collected a substantial sum with the approval of the privy council and the support of the two universities, they returned to the Continent, but Paul remained at Oxford, where he took his M.A. on 7 July 1658.<sup>7</sup> In 1659/60 Comenius sent him 100 imperials in two payments of 50 each, 'iussu collegae', presumably Bishop John Bythner.<sup>8</sup> In September 1660 Comenius

<sup>1</sup> *Admissions to Peterhouse*, p. 171; Clutterbuck, *Hertfordshire*, iii. 488; Watson, *Wisbech*, p. 625. His name appears in the list of Junior Optimes for 1711/12 (*Cambridge University Honour Lists*, p. 100).

<sup>2</sup> *Christ's College Biographical Register*, ii. 172.

<sup>3</sup> *Admissions to Peterhouse*, pp. 279, 280; Le Neve, *Fasti*, iii. 643.

<sup>4</sup> Jakubec, p. 326; Schweinitz, *History of the Unitas Fratrum*, p. 622.

<sup>5</sup> Comenius, writing to Gertich from Amsterdam on 25 October 1656, says, 'P. Hartmanus vehementer ardet Angliam videndi desiderio; forte illum dimittam', &c. (Kvačala, i, no. 169). Cf. *ibid.* ii, nos. 77 and 81.

<sup>6</sup> Firth, *Protectorate*, ii. 244; *ante*, ix. 662 ff.

<sup>7</sup> Wood, *Fasti*, ii. 218, says, 'P. H. of the City of Thorne in Poland was actually created M.A. He was afterwards one of the Petty Canons of Christchurch and is now or was till lately Rector of Shellingford in Berks.'

<sup>8</sup> 'Ratio Collect. Anglic.' printed in Gindely, p. 94; cf. Patara, no. 224.

wrote to Bythner, inquiring what advice he should give to Paul Hartman, who had written from Oxford complaining that he was deserted by all his old friends, and that 'new Pharaohs had arisen, who knew not Joseph'. He had asked for £10, which he promised to repay, and Comenius had sent him £5. If Bythner approved he would recall him and make him visitor of the scattered Bohemian exiles in Silesia.<sup>1</sup> It appears from Comenius's correspondence for 1663 that he had requested Hartman to collect subscriptions for the Unity in Scotland. After some delay, due to illness, Hartman went to Edinburgh in the autumn of 1663, but does not appear to have had much success in his mission.<sup>2</sup> There is no further reference to Hartman in the published letters of Comenius till November 1663, when Comenius, writing to Bishop Nicholas Gertich, said that he had not heard from Paul Hartman for four months.<sup>3</sup> In a letter from Comenius to the seniors of the Unity, dated from Amsterdam on 10 September 1668,<sup>4</sup> he stated that Brother Paul Hartman hoped to obtain a considerable sum of money in Scotland through the influence of Prince Rupert,<sup>5</sup> who esteemed him highly and had requested him to act as his chaplain,<sup>6</sup> or failing that to reside near him in London. He had presented copies of Comenius's *Unum Necessarium* to Prince Rupert and Lord Anglesey, who had promised to obtain authorization for a collection for the Brethren in Scotland.<sup>7</sup> In 1669/70 Bishop Bythner wrote to Comenius saying that he and his churches required the help of Brother Paul and begging Comenius to recall him from England as soon as possible and send him to Silesia. Comenius died in 1670, and on 9 December 1675 Hartman wrote from Oxford to his son Daniel Komenský requesting him to forward some books from his father's library, such as Lully and Bacon, with his father's marginal notes.<sup>8</sup> In 1676 Hartman was presented by Mr. Robert Packer to the living of Shellingford, near

<sup>1</sup> Patera, no. 193, and Kvačala, *Analecta Comeniana*, no. 40.

<sup>2</sup> Kvačala, i, nos. 233 and 238. Hartman had written to Comenius from Edinburgh on 3 October 1663 'sub hoc frigido polo non tam aër friget quam hominum corda et erga proximos caritas'.

<sup>3</sup> Patera, no. 232.

<sup>4</sup> Kvačala, i, no. 285; cf. no. 235.

<sup>5</sup> Prince Rupert (1619–82) had been given a pension of £2,000 a year in June 1668 and was appointed constable of Windsor Castle in September 1668. He probably had some influence with the king at this period: see *Dict. of Nat. Biog.*, s.n.

<sup>6</sup> This indicates that Hartman had already taken holy orders. Wood states that he was a 'petty canon' of Christ Church before he became rector of Shellingford (in 1676).

<sup>7</sup> Kvačala, *Analecta Comeniana*, no. 45.

<sup>8</sup> Kvačala, i, no. 242. K. V. Nigrinus, who was commissioned by Gerhard de Geer to edit the works of Comenius, resided at Oxford from September 1675 to August 1676, and seems to have kept closely in touch with Hartman (*ibid.* ii, nos. 114 and 116–120).

Faringdon, which he held up to the time of his death in 1694.<sup>1</sup> In 1680 his elder brother, Bishop Adam Samuel Hartman, was sent to England by the synod of Lissa to collect subscriptions for the distressed communities of the Brethren in Poland. His appeal was commended by the archbishop of Canterbury and by the bishop of London, and three scholarships were established at Oxford for students of the Unity.<sup>2</sup> On 2 October 1680 the university incorporated Bishop Hartman, who was a doctor of divinity of the university of Frankfurt-on-the-Oder, to the like degree at Oxford. He was described in the diploma as bishop of the reformed churches throughout Great Poland and Prussia.<sup>3</sup> The favourable reception accorded to him was probably largely due to his brother, who appears to have had considerable influence at Oxford and in London. The authorities of the Unity seem at this time to have had some idea of ordaining Paul Hartman as bishop of the Brethren in England. The incident was described by Bishop D. E. Jablonsky<sup>4</sup> as follows :

There were consultations at this time about ordaining a Bishop of the Unity in England. Adam Samuel Hartman had an own brother in England, Paul Hartman, who from chaplain of Christ Church, Oxford, was made Rector of the Parish of Shellingford near Faringdon. The Brethren fixed their thoughts upon this person and he himself gave some hopes of returning into his own country. But the thing through some impediments did not come to pass.

Paul Hartman died in November 1694 and was buried at Shellingford. Wood states that he had written and published 'certain matters pertaining to grammar, as I have heard'. His son Samuel, born in 1680, matriculated at Gloucester Hall on 14 July 1695 and took his B.A. from Christ Church in 1699 and his M.A. in 1703. He too became chaplain of Christ Church and in 1707 was presented to the living of Daventry. In the following year he was appointed vicar of Badby in Northamptonshire and died there on 11 June 1716.<sup>5</sup>

<sup>1</sup> Shellingford Parish Register. He was inducted as rector on 22 October 1676 by Mr. Pocock, vicar of Stanford. Cf. H. Dalton, *D. E. Jablonski* (Berlin, 1903), p. 463.

<sup>2</sup> Fischer, *Versuch einer Geschichte der Reformation in Polen*, ii. 346; Rieger, *Die Alten und Neuen Böhmischen Brüder*, vi. 738; Gindely, p. 508. The scholarships came to an end in 1685. D. E. Jablonsky and his brother studied at Oxford for three years (1680-3) with the help of these scholarships. The Unity had similar scholarships at Frankfurt-on-the-Oder, Leyden, and Heidelberg.

<sup>3</sup> *Fasti Oxon.* ii. 376. Bishop Hartman fixed his seat at Memel. In 1690 he set out again for England to visit his brother, but died on the way at Rotterdam on 29 May 1691. Benham (*Sketch of Comenius*, p. 111) speaks of another appeal made by Paul Hartman in 1683 under the authority of the synod of Lissa, but I have not been able to discern adequate evidence for this.

<sup>4</sup> Translation of Jablonsky's statement in *Acta Unitatis Fratrum* (1749), p. 114.

<sup>5</sup> Foster, *Alumni Oxon.*, and Wood, *Fasti*, ed. Bliss, ii, p. 218. Christ Church appears to have been peculiarly sympathetic to the exiled clergy of the Unity and

The last Bohemian exile who had connexions with Oxford was Bishop Daniel Ernest Jablonsky, court chaplain to successive kings of Prussia from 1691 till his death in May 1741. His father was Bishop Peter Figulus (Jablonsky), son-in-law of Comenius. Jablonsky was thus the grandson of the greatest of the Bohemian exiles. Born at Nassenbuben, near Danzig, in 1660, he was educated at the college of the Unity at Lissa and at the university of Frankfurt-on-the-Oder. In 1680 he accompanied Bishop Hartman to Oxford, where he and his brother, John Theodore, studied for three years, as holders of the scholarships of the Unity. In 1693 he was appointed court chaplain at Berlin, and in 1699 he was consecrated a bishop of the Unity at Lissa with the consent of the king of Prussia.<sup>1</sup> He corresponded with several friends in England, especially with Dr. John Ernest Grabe, a Prussian subject who had resigned his professorship at Königsberg and, after studying at St. Edmund Hall, Oxford, had taken holy orders and been appointed in 1700 chaplain of Christ Church. Grabe's works on the Greek Fathers had established his reputation as a scholar, and the university created him D.D. on 26 April 1706.<sup>2</sup> It was probably due to him that his friend Jablonsky received the D.D. of Oxford on the same occasion.<sup>3</sup> In 1709 Jablonsky was elected foreign secretary of the Society for Promoting Christian Knowledge. He corresponded with Dr. Wake, archbishop of Canterbury, and he sent several of the Brethren's theological students to the English universities.<sup>4</sup> He was an intimate friend of Leibniz and was president of the Berlin Academy of Sciences.<sup>5</sup> Some of Jablonsky's letters to Grabe are extant in a manuscript volume of his correspondence with the Rev. Patrick Gordon of Reading and other friends in England in the Sion College Library.<sup>6</sup> At one time Jablonsky suggested the Anglican episcopate and liturgy as a bond of union between Lutherans and Reformed, and corresponded with the archbishop of Canterbury on the subject. This proposal caused much annoyance in German Lutheran circles.<sup>7</sup>

ROBERT F. YOUNG.

their friends. Paul Hartman and his son were appointed to chaplaincies there, as was also Dr. J. E. Grabe, the friend of Bishop Jablonsky.

<sup>1</sup> *Acta Unitatis Fratrum*, 115; Rieger, vi. 752; Dalton, pp. 68, 482.

<sup>2</sup> See *Dict. of Nat. Biog.*, s.n., and Hearne's Collections, i. 235, iii. 260.

<sup>3</sup> In the diploma he was described as 'Regi Borussiae & Sacris et Unitatis per Poloniam et Borussiam Senior'.

<sup>4</sup> Herzog und Plitt, *Real-Encyclopädie*, s.n. These students were probably mostly Poles and Germans. After 1700 the German element predominated at Lissa (de Schweinitz, p. 622; Fischer, ii. 160).

<sup>5</sup> His correspondence with Leibniz has been published by Professor Kvačala.

<sup>6</sup> He also corresponded with Richard Bentley (Mayor, *Cambridge under Queen Anne*, p. 424).

<sup>7</sup> Dalton, pp. 272-3, 472.

*Two more Medieval Ghost Stories*

THE provost of Eton's collection of 'Twelve Medieval Ghost Stories' in the last volume of this Review<sup>1</sup> reminds me of two similar stories of about the same date which I think have never been printed. They resemble the twelve in style but are somewhat less bizarre in matter. The morals to be drawn from them are even more obviously pointed. They are given some extra plausibility not merely by names like the Byland narratives, but by dates. It seems to me not improbable that there were collections of such stories in common form for the use of preachers, who would make them more effective by introducing local colour. On the other hand, the Ely story summarized below, and the provost's fourth which mentions Kirby (? Cold Kirby), Byland, and Gormire, could hardly be mere adaptations, while the fifth and some others seem to be unfinished.

The Trinity College Oxford manuscript in which these items occur (no. vii in H. O. Coxe's Catalogue) is evidently an Ely book, as besides a metrical account of the life and miracles of St. Etheldreda it has a rubricated memorandum of indulgences to be obtained in Ely Cathedral on St. Lambert's day, being the feast of the dedication of that church, at the shrines of St. Etheldreda, St. Ermenilda, and St. Exburga, to the amount of 42 years and 60 days in all. It is apparently a preacher's commonplace book, and contains over 30 items, including hymns, prayers, the litany of the B.V.M., sententiae, versus proverbiales, narrationes, legendae, four sermons, a manuale and a directorium sacerdotum, notabilia, &c. One item, a list of the benefactors of Winchester, suggests that the owner had some connexion with that church.

The writing is of the early fifteenth century, and, except for a few pages at the end, seems to be all by the same hand. The titles, &c., and many of the capital letters, especially in the first half of the volume, are neatly illuminated in red or blue. In printing the Lancashire story (ff. 49<sup>r</sup> and 49<sup>v</sup>) I have expanded the contractions and have added some of the capitals and most of the stops. The Ely story (ff. 47<sup>v</sup> to 49<sup>r</sup>) is less interesting; and I have not thought it worth printing in full.

H. E. D. BLAKISTON.

I. Per magistrum Ricardum de Puttes &c. Narracio de celebracione misse. Anno domini mcccclxxij<sup>o</sup>.

Quidam homo de Haydok in comitatu Lancastrie tenuit vnam concubinam de qua generauit pueros. Obijt illa mulier & vir duxit aliam mulierem in vxorem. Contigit postea quod is<sup>2</sup> vir iuit quadam die ad

<sup>1</sup> *Ante*, xxxvii. 413 *seqq.*

<sup>2</sup> *MS. id.*

quendam fabrum pro ferris aratri, scilicet cultro & vomere, corrigendis siue acuendis. Qui quidem faber manebat in alia villa vocata Hulme que distat a Haydok predicta per duo miliaria.<sup>1</sup> Qui cum reuerteretur in nocte veniebat per quandam<sup>2</sup> crucem stantem in via que dicitur Newton cros, & ibi inuasit eum horror terribulis. Et sic perterritus respiciens circa se vidit quasi vmbram obscuram quam coniurauit ne sibi noceret sed ut diceret quid esset; & respondit vox ex<sup>3</sup> illa vmbra & dixit illi, Ne timeas. Ego sum illa mulier que quondam fui amasia tua, & permissa sum venire ad te pro auxilio a te habendo. Quesiuit ab illa vir quomodo esset secum. Que respondit, Male. Sed si uis, potes me iuvare. Respondit vir, Libenter faciam quidquid potero, si dicas mihi quomodo. At illa, Per missas celebrandas a bonis presbiteris potero liberari a magna pena quam patior.<sup>4</sup> Cui ille, Et ego faciam missas pro<sup>5</sup> te celebrari, eciam si contigerit me expendere omnia bona mea vsque ad vltimum denarium. Et tunc illa dixit, Ne timeas, sed pone manum tuam ad capud meum & accipe quod ibi inuenieris; & ille posuit manum suam ad capud illius, & accepit ibidem quasi fere dimidium manipulum pilorum valde nigrorum. Mulier tamen in vita sua habuit crines in capite croceos & satis pulcros. Tunc dixit mulier, Si feceris tot missas pro me celebrari quot ibi sunt capilli, tunc liberabor a pena. Quod concessit; & tunc dixit illa, Venias ad istum locum tali hora & scies tunc de statu meo; & sic euauit. Et ipse dictos pilos firmavit cum [cum] cauillo<sup>6</sup> in foramine cuiusdam postis, & statim aliquam partem bonorum suorum vendidit, & monetam leuauit, & perfectus est prope & longe pro presbiteris querendis, & plures missas fecit celebrari. Quo facto respexit capillos supradictos, & inuenit plures eorum mutatos in croceum colorem secundum numerum missarum celebratarum; & sic iterum fecit plures missas celebrari, & iterum et sic quousque omnes capilli supradicti essent mutati in croceum colorem. Postea ad tempus assignatum venit ad crucem supradictam, & expectauit per tempus modicum, et vidit eminus quoddam lumen versus ipsum mouens festinanter. Et cum venerit ad ipsum, vox de ipsa loquebatur, regracians illi, & dixit, Benedictus<sup>7</sup> sis inter omnes homines quod me liberasti de maxima pena, & nunc tendo ad gaudium; & brevi colloquio inter eos habito, recessit ab eo motu velocissimo. Supple<sup>8</sup> de virtute misse &c.

II. Anno domini m<sup>o</sup>.ccc.lxxxix & anno regni regis Ricardi secundi &c.

A certain Thomas of Ely 'nuper seruiens cuiusdam Ade Sporle defuncti' was visited for 13 nights in succession by a spirit who on the last night, viz. Sunday 20 June,<sup>9</sup> threw him and his son out of bed. 'Unde infans plorabat alta voce, quo ploratu cepit dictus Thomas pater ipsius infantis a sompno excitari.' Thomas got into bed again with the child; but the spirit returned and summoned him to wait upon his mistress, St. Etheldreda. Thomas unwillingly followed the spirit 'in locum valde

<sup>1</sup> Hulme is about five statute miles from Haydock; Newton-in-Makerfield, now much more important than either, lies about half-way between the two villages. An old cross at Newton was taken down in the last century.

<sup>2</sup> MS. *quendam*.

<sup>3</sup> MS. *de*.

<sup>4</sup> MS. *pateor*.

<sup>5</sup> MS. *per*.

<sup>6</sup> A nail, peg, or clamp.

<sup>7</sup> O is erased before *Benedictus*.

<sup>8</sup> MS. *suple*.

<sup>9</sup> 20 June 1389 was actually a Sunday.

delectabilem sibi penitus incognitum coram quadam domina ad modum cuiusdam monialis induta,' who told him that as he had loved her and honoured her by his prayers, she had decided to warn him, and that he was to tell his confessor to warn certain people in Ely, 'quorum nomina eadem domina sibi retulit', that they were to put themselves right before God and Holy Church in the matter of unpaid tithes and unproved wills. He was also to warn the Prior and Convent of Ely to hold processions every Wednesday and Friday for five weeks, 'exorando Deum quod feruor tempestuosus iam eminens populo nec fructibus noceat in futurum quia talis erit feruor quod plumbum ecclesiarum fiet liquidum'. Thomas replying that being 'pauper et modice reputacionis' he would not be believed, was told to go back to bed, and stay there until the feast of St. Etheldreda, on which he would recover his health; and to meet his objection that he was not ill, he was afflicted with curvature of both his legs and was in that condition 'visus tactus & palpatus a pluribus fidelibus' until he was restored on the day and at the tomb of the saint by the words 'surge & ambula'; '& statim ipso euigilante est sibi sanitas restituta. Et insuper frater Rogerus de Northwyche magister teologie eodem die fecit bonam Collacionem declarans omni populo miraculum predictum.' And accordingly a solemn procession was held on Friday, 25 June; and Thomas swore to the truth of his story on the Holy Gospels and the relics of St. Etheldreda.

### *Some Treasurer's Accounts of Montserrat, 1672-81*

IN May 1680 there was established the new office of auditor-general of plantation revenues, with the energetic and successful William Blathwayt as the first patentee. The creation of this new piece of machinery was the expression of a settled policy on the part of the lords of trade in their effort to establish an effective control over the local finances of the colonies. This policy can be seen at work in other ways, in the gradual tightening up and standardizing of the instructions to royal governors directing their administration of local revenues, in the energetic attempt to persuade the colonial assemblies to pass perpetual finance acts instead of the annual acts which were then customary, and lastly in the attempt to force the colonial treasurer to submit his accounts for regular audit through the hands of the newly created auditor-general.

Broadly speaking there were two types of revenue arising in the colonies. On the one side there were the more permanent sources of income such as the quitrents, the customs raised by imperial statute, and the  $4\frac{1}{2}$  per cent. in Barbados and the Leeward Islands; on the other were the local or provincial revenues voted annually by the assembly, and generally administered by its treasurer. It was a main object of the auditor-general to control these local revenues, and to make them 'His Majesty's'

in more than name, but in this he was met by the most determined local opposition, and was soon to fail, though it is probable that the long period of war which followed the revolution of 1688 was one of the chief causes of the failure of this new piece of administrative machinery to get into working order. Our knowledge of Blathwayt's office is sadly hampered, for though his three volumes of entries still exist in the Public Record Office, yet the numerous letters and detailed accounts which he must have received have almost all disappeared.<sup>1</sup> It seems probable that at first the office was organized within the office of the lords of trade, and after 1696, of the board of trade, for the binding and style of the three books is identical with that of these respective offices, and they appear to have been kept by a clerk of the plantation office.<sup>2</sup> How far the auditor-general succeeded in establishing a system of returns from the local treasurers is much more difficult to determine. Some accounts from Virginia and from Jamaica were received in 1680,<sup>3</sup> but two years later Sir Thomas Lynch from Jamaica writes almost in despair :

'—nor have we yet been able to bring the Receipts since my Lord Vaughan's time into any method, though the Auditor-General's Deputy has your Honor's order, about three or four orders of the Council and as many of mine to command the collector to show him all accounts, but he has still objected that my Lord Carlisle, Sir Henry Morgan, and the Council having seen them and approved them there ought to be no retrospect—.'<sup>4</sup>

In Barbados, Deputy-Governor Stede reported that the local treasurer derived his powers from the act of the assembly ordering the levy, and this drew from the lords of the treasury a strong reply.<sup>5</sup> There are, however, extant a set of treasurer's accounts for Montserrat returned at this time which throw some light on the working of the auditor-general's office.<sup>6</sup>

On the whole the attempt of the imperial government to control or even to supervise the power of the purse in the colonies was a failure. In 1701, and again in 1703, the auditor-general reports :

<sup>1</sup> The entries in these books often seem to be conflated from more detailed accounts. Several lots from the Phillipps Collection which were sold in 1913 are obviously papers from this office (Sotheby's Catalogue, 1913, lots 240, 262, 422, 505, &c.). An examination of them would be essential to a proper understanding of the working of Blathwayt's office.

<sup>2</sup> Treas. 64/88 and 89 are in the brown russia binding of the lords of trade with the familiar red facings. The second volume ends in 1696 when the lords of trade ceased to function, and contains a large number of blank folios. Treas. 64/90 is a white vellum bound volume like the rest of the board of trade Entry Books and commences in 1696.

<sup>3</sup> Treas. 64/88, ff. 46-8.

<sup>4</sup> Treas. 64/88, ff. 111-13.

<sup>5</sup> Treas. 64/88, ff. 169-70.

<sup>6</sup> Among the Stapleton MSS. now on loan in the Johns Rylands Library, Manchester.

'there are divers other Revenues or Levies granted and raised annually in the Assemblies there under the denomination of Country Revenues, for which they appoint particular Treasurers with directions that those Revenues be not issued without Warrant from the said Assemblies, and for which those Treasurers do not hold themselves accountable to any other than the Assembly who take to themselves the sole cognizance and disposal of what is so raised for uses relating to themselves and presents to their Governors, as particularly in New York during the late War and elsewhere at several times and occasions whereof no regular account is returned from thence.'<sup>1</sup>

The accounts which chance to have been preserved among the Stapleton manuscripts are of two sorts. There are a couple of detailed accounts of receipts and expenditure by the local treasurer at Montserrat, for the periods July 1672 to February 1675 and February 1678 to March 1681; and these are expressed in sugar. There is also a summarized account in sterling of the four Leeward Islands, St. Kitts, Nevis, Antigua, and Montserrat, from 1670 to 1681. The last was obviously prepared in the plantation office from the detailed statements submitted, and it contains a series of neatly written queries with answers or explanations in the governor's sprawling hand.<sup>2</sup> There had been a lengthy correspondence between the lords of the treasury and Governor Stapleton before the detailed accounts were extracted, but in 1683 they were definitely promised. Two years later, when Stapleton arrived in London on leave, he was promptly summoned to give an account on oath of all public moneys, but excused himself, explaining that the money was handled by receivers who swore to their accounts before the deputy-governors.<sup>3</sup> Stapleton, however, called on Blathwayt to help him, and shortly afterwards went to Paris, where he died, possibly with these papers actually in his possession.

The queries made by the auditor-general on the summarized account are interesting, and show the trend of his policy. In the case of each island he asks by what acts the levies were raised. The governor replies in vague generalities: 'By the Acts and orders of the then Council and Assembly being made for no other purpose but to defray and satisfy the debts of the island by a levy, which being done the Acts were expired.' Another query asks by whose orders payments were made, and again the vague answer is 'the Governor, Council and Assembly orders'. Other queries deal with the recipients of various payments and other such matters. If we turn to the detailed accounts we get another picture: instead of the critical inquiries of an accountant's

<sup>1</sup> *Treas.* 64/88, f. 53.

<sup>2</sup> Unfortunately the detailed accounts of the other three islands from which this has been conflated, have not been discovered.

<sup>3</sup> *Treas.* 64/88, f. 173.

office we see the social life of the planters in the Irish island of Montserrat. Receipts come chiefly from annual levies on Christians and slaves, on rum works, on waste (unimproved) lands, and on thatched houses, an obvious discouragement of this dangerous type of building. Fines are imposed for various offences, but chiefly for making 'corrupted' indigo. The expenditure is given with a wealth of minute detail which records in the same accounts 35,000 lb. of sugar for a year's salary to the deputy-governor, and the purchase of a sieve for sixteen. Guns for the fort and rum for the workmen, lead for the church roof, timber for the whipping-post, nails and clamps for the session house, iron bars for the prison windows, all appear in detail and show the little society busy at work setting up the ordered symbols of church and state. Nor is social life forgotten: a turkey-cock and a kid are sacrificed for the governor's meeting with council and assembly, while the carpenters at the battery are credited with  $6\frac{1}{2}$  gallons of rum and 2 bowls of punch. Such were the minute and somewhat wearisome details which the clerks in the office were forced to digest, but they were not frequently troubled with such work, for it was but seldom that the auditor-general was able to force the reluctant treasurer to return his accounts.

C. S. S. HIGHAM.

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*Three Dispatches of Prince Metternich on the  
Origins of the War of 1870*

THE subjoined three dispatches are from the Vienna Archives, and consist of the communications of the Austro-Hungarian ambassador Prince Metternich to the Austro-Hungarian chancellor Count Beust—all on 8 July 1870, just after the announcement of the Hohenzollern candidature.

They deal respectively with the attitude of the French emperor, the empress, and of Ollivier, just after Gramont had made his somewhat provocative statement in the chamber on 6 July that 'France would not suffer a third power to disturb to our detriment the existing equilibrium of Europe, and to imperil the material interests and the honour of France'.

The first dispatch is perhaps of the least importance, for Napoleon III is known to have wavered on several occasions during these critical days. The second seems definitely to prove that the reputed *mot* of the empress, 'C'est ma guerre', is true in substance if not in form. In this connexion it may be worth while referring to Lord Acton's examination of her responsibility.<sup>1</sup> He there refers to a suppressed passage in Grant Duff's *Diary*

<sup>1</sup> *Historical Essays and Studies* (1907), p. 220.

of a conversation with Ollivier, which is given in full in his own unpublished papers<sup>1</sup> as follows : Ollivier to Grant Duff, ‘ “ And the Empress,” I asked, “ is it true that she pressed strongly for the War ? ” “ Passionnément ” was the reply.’

The second dispatch quoted below at least proves definitely that she was ‘ an accessory before the fact ’, and shows that Metternich, an intimate friend, could not but ‘ la plaisanter un peu ’ in order to moderate her zeal for war.

The third dispatch shows Ollivier in a mood which does not strike one as specially pacific, and is interesting in view of his protestations that he never desired war.

The time is not come to write the full history of the origins of the war of 1870, but the printing of these dispatches may be an aid to students. The first two dispatches have been referred to,<sup>2</sup> but none of them has, so far as I know, been printed in full.

HAROLD TEMPERLEY.

No. 37 B.

Paris le 8 Juillet 1870.

Monsieur le Comte,

J’ai trouvé Mercredi dr. l’Empereur très-préoccupé de l’affaire Hohenzollern. Il avait l’air enchanté, je dirais même *joyeusement monté*. Il m’aborda avec la phrase devenue sacramentelle : ‘ Eh bien, que dites Vous de notre affaire ? ’

Je Lui répondis que la manière nette et décidée dont le Duc de Gramont m’en avait parlé me semblait lui donner assez de gravité. J’ajoutais toutefois qu’il m’était impossible de croire que la Prusse dans une question, dans laquelle elle n’était pas directement intéressée, ne céderait pas. Selon moi Mr. de Bismark sera trop heureux d’user d’un bon procédé envers la France dans cette affaire en demandant probablement la réciprocité dans une question d’intérêts plus directes.

L’Empereur se récria en me disant : ‘ Croyez-Vous vraiment qu’en face de la mise en demeure très-énergique que nous leur avons adressée et dont le Duc de Gramont à ce moment-même donne l’interprétation très-vigoureuse à la Chambre on puisse céder immédiatement à Berlin ? ’

‘ Je le croirais, Sire,’ Lui dis-je, ‘ et lors même que l’on ne pourrait se décider immédiatement, les efforts de l’Angleterre et de la Russie triompheront d’une résistance qui mettrait évidemment la Prusse dans une situation difficile, c’est à dire dans son tort.’

L’Empereur me dit que dans tous les cas il fallait être prêt, que dans une question pareille tout dépendait de la rapidité des préparatifs. Sa Majesté ne croyait pas que la Prusse pourrait mobiliser sans qu’on le sache. ‘ Il faudra,’ ajouta-t-Elle, ‘ que nous ayons l’œil ouvert, car selon moi la palme reviendra à celui qui sera prêt le plus vite.’

‘ Croyez-Vous,’ continua l’Empereur, ‘ que nous pourrions compter sur l’Autriche ? ’

Je répondis qu’il m’était fort difficile de m’enoncer à cet égard ainsi

<sup>1</sup> Cambridge University Library, Acton MS. 5501.

<sup>2</sup> By E. Wertheimer in *Deutsche Revue*, January 1921, pp. 49-50.

à brûle-pourpoint, que cela dépendait en grande partie de l'attitude de la Russie et du tems que nous aurions pour faire nos préparatifs. A ce propos je conjurais l'Empereur de nous avertir à tems des éventualités bellicueuses qui pourraient se présenter.

'Assurément,' me dit Sa Majesté, 'et soyez sûr que je ne Vous demanderai que ce que je sais être en Votre pouvoir.'

L'Empereur me parla ensuite de la manière dont cette affaire s'était emmanchée. Il me dit qu'une correspondance secrète paraissait avoir été directement échangée entre le Maréchal Prim et le Comte de Bismark.

A propos de l'attitude de la Russie l'Empereur me raconta qu'il venait de lire une lettre très-intéressante de Mr. de Varnbühler, rendant compte de son entretien avec l'Empereur Alexandre. Le Czar lui aurait dit, que tant qu'il vivrait *il ne permettrait pas à la Prusse de s'annexer les états de l'Allemagne méridionale*, mais il aurait ajouté : 'Ne faites pas de la démocratie chez Vous, c'est la perte des gouvernemens. Si la Prusse Vous attaquait dans un esprit de conquête *je serai là pour Vous défendre*, si au contraire la Prusse était forcée d'intervenir chez Vous contre des menées révolutionnaires je ne pourrais rien faire pour Vous.'

Je fis la remarque que cette phrase de l'Empereur Alexandre ressemblait fort aux vieilles rengaines débitées par l'Empereur Nicolas, son père.

J'en reste à dire que toute cette affaire hispano-prussienne me paraît avoir été prise par les cheveux dans un but de succès diplomatique et de quasi-humiliation pour la Prusse, but qu'on a l'arrière-pensée d'atteindre sans grand danger pour la paix, mais je dois ajouter, que si la guerre devait en ressortir du fait de la résistance de la Prusse, la position de la France serait certainement meilleure que si elle se faisait sur une question allemande—sentiment que d'ailleurs je trouve entièrement partagé ici.

Agréez, Monsieur le Comte, l'hommage de mon respect.

METTERNICH.

No. 37 C.

Paris le 8 Juillet 1870.

Monsieur le Comte,

J'ai trouvé l'Impératrice tellement montée en faveur de la guerre que je n'ai pas pu m'empêcher de la plaisanter un peu.

Je lui ai dit que je serais fort curieux de voir comment on ferait passer la frontière à l'armée française dans le cas où Mr. de Bismark répondait que c'était une affaire qui ne le regardait en aucune façon, dont il ne s'était jamais douté, que les négociations qu'il plaisait à la famille de Hohen-zollern d'entamer soit avec les Roumains sous l'approbation de la France, soit avec les Espagnols en s'en passant, n'offrait aucun intérêt pour la Prusse et ne lui paraissait pas pouvoir être traitée d'affaire d'Etat, qu'il devait être permis au P—ce Léopold de se faire pendre à Madrid comme au P—ce Charles de se faire chasser des Roumains sans que cela fasse un pli.

L'Impératrice ne parut pas goûter cette argumentation et répondit : 'Savez-Vous ce qui arriverait dans le cas où Mr. de Bismark voudrait nier son intrigue ? D'abord cela lui serait bien difficile parceque nous savons par Prim qui l'a dit à Mercier que la candidature du Prince Léopold lui a été définitivement offerte par la Prusse. Ensuite Prim, que je connais

bien, est assez entêté pour répliquer à cette manière de le lâcher : Ah, c'est comme cela, eh bien je publierai toutes les lettres de Bismark.'

'Mais il est inutile de parler de cette éventualité,' ajouta l'Impératrice. 'Il sera fort difficile à Mr. de Bismark de s'en tirer sans nous céder rondement ou sans avouer la chose. S'il cède ce ne sera que devant notre attitude comminatoire, une humiliation dont il ne se relèvera que difficilement et dont, croyez le bien, nous lui saurons aucun gré.'

L'Impératrice voulut ensuite dégager la responsabilité de la France des intrigues qui ont amené la candidature du Prince Charles.

Nous eûmes à ce sujet une discussion rétrospective à la suite de laquelle j'obtins facilement raison. Je n'ai eu à rappeler à Sa Majesté que les plaintes que je me permis dans le temps de lui adresser à la suite des intrigues de M—me Cornu. J'ai pu lui rappeler aussi les séances honteuses de la conférence dont nous fûmes les victimes sous la présidence de Mr. Drouyn de Lhuis et à la suite desquelles Lord Cowley se décida à donner sa démission.

L'Impératrice ne put nier qu'il s'était alors fait en dehors de l'Empereur des intrigues qu'il regrettait beaucoup aujourd'hui, d'autant plus qu'il se voyait forcé de les réparer en aidant à renverser ce même P—ce Charles.

Inutile de dire qu'à ce sujet je fis mes réserves les plus sérieuses, en disant que je ne pouvais admettre que l'on tentât rien dans ces parages sans nous consulter.

L'Impératrice est rajeunie de dix ans à l'idée d'un triomphe politique ou de la guerre.

Veuillez agréer, Monsieur le Comte, les hommages de mon respect.

METTERNICH.

No. 37 D.

Paris le 8 Juillet 1870.

Monsieur le Comte,

En quittant St. Cloud je me rendis directement chez le Garde des Sceaux qui m'avait fait exprimer le désir de me voir.

Mr. Ollivier revenait de la Chambre où le discours qu'il avait rédigé et fait lire par le Duc de Gramont avait eu un succès frénétique. Il en était très-heureux et semblait fort monté en me débitant son discours. 'Nous en avons assez,' me dit-il, 'des humiliations que la Prusse veut nous imposer. Ce ne sont plus des Rouher ou des La Valette qui ont à diriger la politique de la France. C'est moi, un ministre du peuple, sortant du peuple, sentant avec le peuple, moi, un ministre responsable devant la nation, responsable de sa dignité et devant couvrir l'Empereur, qui ai mené cette affaire avec la résolution patriotique que Vous me connaissez.'

'Plus d'hésitations, plus de tergiversations, le conseil a été unanime. Nous avons décidé comme un seul homme qu'il fallait marcher, nous avons entraîné la Chambre, nous entraînerons la nation.'

'Dans quinze jours nous aurons 400.000 hommes sur la Saar et cette fois-ci nous ferons la guerre comme en 93, nous armerons le peuple qui courra aux frontières.'

'Moi, plus que tout autre, je suis forcé de me mettre en avant en face de la Prusse dans cette question qui intéresse la dignité et l'honneur de la France—moi, qui dans les tems les plus difficiles ai donné des gages de

mes sympathies pour la nationalité allemande — qui seul dans l'enceinte législative ai osé prononcer des discours en faveur de la Prusse — qui il y a quelques jours ai donné dans l'affaire du St. Gothard une dernière preuve éclatante de modération et de sentiment pacifique.

‘ J’ai été regardé — et je le suis peut-être encore — comme un Prussien, et tenez, Vous-même, mon cher Prince, je suis sûr que Vous n’avez accueilli mon arrivée au pouvoir qu’avec une certaine méfiance.’

J’ai interrompu le Ministre à ces paroles en lui disant, que nous n’avions jamais conçu la moindre méfiance contre lui du moment où l’Empereur l’avait appelé au pouvoir, sachant fort bien que Sa Majesté ne saurait prendre que des conseillers se trouvant à l’unisson avec le sentiment de la nation, sentiment que nous savions nous être parfaitement sympathique à son entrée au ministère.

Je me suis efforcé ensuite de faire descendre un peu Mr. Ollivier des hauteurs dans lesquelles il s’égarait. Il me semblait plus utile de tâcher de lui soutirer les détails sur la manière dont l’intrigue s’était éventée.

J’ai appris par le Ministre que c’était le Maréchal Prim lui-même qui avait annoncé l’acceptation du Prince Léopold au ministre de France à Madrid, en lui disant qu’il savait très-bien que cette nouvelle ferait mauvais effet en France et indisposerait l’Empereur Napoléon. Il ajouta qu’il lui était très-pénible de penser qu’il chagrinerait l’Empereur, mais il fit deviner à son interlocuteur qu’il lui importait peu de froisser le sentiment national en France.

Mr. Olozaga qui assure ne s’être douté de rien vient d’apporter pour l’Empereur une lettre par laquelle son chef annonce à Sa Majesté la candidature incriminée.

Le Baron de Werther, auquel Mr. Ollivier m’a dit avoir exprimé en termes très-vifs son mécontentement, paraît, le ministre le croit du moins, n’avoir également rien su de ce qui se passait. Son intervention à Ems sera, pense-t-il, très-active vu l’état de frayeur et d’ahurissement avec lequel il a quitté Paris.

Une dépêche adressée mercredi au Général Fleury le charge d’annoncer carrément au Prince Gortschakof que, si la Prusse ne cède pas, on enverrait l’armée à la frontière.

J’ajoute pour compléter ce récit de mon entretien avec le Garde des Sceaux que ce dernier m’a également interpellé sur la question de savoir si nous étions prêts à suivre son char sur les champs de bataille et que je lui ai répondu de même qu’à l’Empereur.

Il m’a promis en outre d’attendre avant de faire quelque chose dans les principautés que Vous m’avez donné Votre avis sur le successeur à donner à la victime de la vindicte gauloise.

J’ai fini notre entretien en exprimant au ministre mes meilleurs vœux pour le succès de ses hardiesses.

Agréez, Monsieur le Comte, l’hommage de mon respect.

METTERNICH.

## *Reviews of Books*

*A History of the Church to A.D. 461.* By B. J. KIDD, D.D., Warden of Keble College, Oxford. (Oxford: Clarendon Press, 1922.)

THE first point that strikes the reader in looking through this work is that it is remarkably well supplied with references to authorities. The author himself states in the preface that his reason for publishing it has been the want of references, and also of comprehensiveness, in even the best church histories we already possess. These wants he has abundantly supplied, since in the three volumes (of about 500 pages each) there are copious notes to each page, referring to authorities original or secondary, and a full index at the end of each volume; while the history of the church is throughout treated in relation to political and other changes and events. The modern citations are from English, French, and German scholars of various schools of thought. The writer himself has a very evident standpoint: that of a conservative Anglican high-churchman. Readers belonging to other schools may occasionally be surprised at his statements: e. g. that of 'the thirteen Epistles of St. Paul, none are now seriously disputed'; or that the authority of the councils is independent of their representative character, and therefore the unjudicial temper of bishops in council makes them all the better witnesses and thus the more authoritative. Or again some might question him when he says that at first the semi-Arians were more inclined to persecution than the Nicenes (ii. 161). He seems not to discern any incongruity between the insistence (by Gregory Nazianzen and others) that the Deity is unknowable and the attempts to formularize the divine attributes. In general, the author evidently strives after historical impartiality. This is conspicuous in his treatment of various notable persons in church and state. Like most modern teachers of historical theology, he endeavours to make vivid the chief outstanding figures in his story, especially emperors and bishops. Perhaps he has not enabled us to grasp Constantine—perhaps no writer has succeeded in such a task, but he helps the reader to grasp the historical situation. He is not too lenient to the corruption of the early Roman church as it appears in the correspondence of St. Jerome. In dealing with heresies he attaches more weight to the statements of Epiphanius than some modern writers are inclined to allow.

The relations of the early Christian emperors to the purely ecclesiastical authorities are treated at some length. The Rescript of Gratian (c. 381), which Ambrose condenses into: 'it is not my business to judge between bishops', he takes as marking the supreme judicial authority of the pope

over metropolitans in the West ; and the right of an ordinary bishop to appeal to the pope or to fifteen neighbouring bishops after a local trial. He shows that the privileges are a distinct *grant* from the emperor, and also that they do not recognize any benefit of clergy. He explains without excusing the persecution of heretics by Theodosius the Great.

There are three early heresies as to which the modern mind has shown itself disposed to exculpate the sufferers, those of Pelagius, of Priscillian, and of Nestorius. In all these cases Dr. Kidd seems inclined to a verdict of ' guilty ', but with a posthumous recommendation to mercy. Priscillian he describes as ' a man of high character and ability, vain of his learning, restless, and fond of debate '. His schism, if he started one, seems to have been rather a society for promoting austerity of life than an opposition to received doctrine. The honourable conduct of St. Martin of Tours in resisting bloodshed is duly noticed. The heresy was ' a recrudescence of the false asceticism which rests on a dualistic basis . . . it held an esoteric creed . . . whether or no formally heretical, it was deeply religious. The church thus rejected Priscillianism—no heresy, perhaps, but a system which her tradition could not assimilate. This rejection was afterwards embodied in that anti-Priscillian formulary of 420–30 known to us as the *Quicumque vult*.' As to Pelagius the Irishman : his doctrine of free-will has by some modern writers been regarded as having an invigorating influence on Christian society in the early fifth century, and we find that even Augustine and other opponents write of him in terms of the highest respect. Dr. Kidd traces at some length the propagation and rejection of his doctrine and that of his followers in Africa and the East. His final summing up is : ' the doctrine of grace is the doctrine of the church. But thanks to its enemies, who put in a plea for nature, it is a doctrine freed from the ruthlessness with which Augustine caused it to be associated, and so rendered at last broadly human.'

With regard to the third heresy rehabilitated in recent times, that of Nestorius, the whole controversy, with the heated debates at the council of Ephesus in 431, the Latrocinium of 449, and the council of Chalcedon in 451, is treated at some length. As is well known, the theology of Nestorius, as distinct from Nestorianism properly so called, has lately been vindicated by Dr. Loofs, Professor Bethune Baker, and other theologians, the practical result of such vindication being to point the way to a better understanding between the churches of the West and modern Nestorians. The verdict of Dr. Kidd, which, of course, does not extend to a vindication of the brutal treatment of Nestorius himself, is—doctrinally—for Cyril and his supporters. ' We cannot forget that the two natures in the teaching of Nestorius involves two distinct *hypostases* and two persons (*prosopa*), united in one by simple give and exchange, so that it is certain that, even with the *Book of Heraclides* as his defence, Nestorius would nevertheless be condemned as a heretic ' (iii, p. 208 note, quoting MM. Bedjan and Nau).

The concluding chapters narrate the history of the church beyond the empire. There is an interesting account of St. Patrick, based in great measure on the researches of Professor Bury.

ALICE GARDNER.

*Bedfordshire in 1086. An Analysis and Synthesis of Domesday Book.* By G. HERBERT FOWLER. Quarto Memoirs of the Bedfordshire Historical Records Society, vol. i. (Published by the Society at the Old House in Aspley Guise, 1922.)

THIS is by far the most elaborate contribution that has yet been made towards that reconstitution of the original returns of 1086 by hundreds and vills from the arrangement by fiefs in Domesday Book to which Maitland looked forward for the unlocking of the last secrets of the great inquest. So far as those secrets can be wrung from the evidence of a single county the material is now before us in the proper form and fully elucidated by map and commentary. Mr. Fowler possesses unusual qualifications for his arduous task, and he is exceptionally fortunate in these hard times in being able to present his results in the most effective possible shape apparently without regard to expense. The arrangement of the tables and maps has been thought out with the utmost care. The reconstituted vills are first set out in alphabetical order with their constituent details and then in a second table arranged in their hundreds. This is a better practical solution than that adopted by Mr. Baring in his highly compressed tables, but of course it requires far more space than he could afford. Mr. Fowler is also able to give a precise reference to Domesday Book for each of the 400 holdings enumerated in it, more precise indeed than the usual references to folio and column, for they are numbered in their serial order in the record. The only drawback to this expedient is that the reader who wishes to look up these references must possess a copy of Domesday Book in which he can number the entries. Ingenious too is the method of indicating the scattered estates of the chief Anglo-Saxon and Norman holders of land on three maps by the use of lines of one colour only. Of the other maps (besides that of the hundreds and vills) the most valuable is no. ix, which shows the percentage of soc-land in the vills of the county in 1066. The brief biographies of its chief landholders then and twenty years later are illustrated by eight pedigrees. Mr. Fowler's analytic commentary on the record, well arranged, reasonably full, and admirably clear, is in the main as good a short guide to the interpretation of Domesday as the student could wish.

In introducing a qualification we must admit that the part of his interpretation which seems to us most open to exception may be regarded by some as still matter of opinion. The mass of expert authority is, however, opposed to the conclusion at which he arrives. Mr. Fowler is inclined to accept Maitland's views on debatable points as ultimate, and finds no difficulty in adopting the most strongly contested of his theories, that which identified the manor, not the vill, as the local unit for the collection of the geld within the hundred in the times to which Domesday Book refers. He appeals to the M. which stands in the margin opposite the entries of so many estates in the Bedfordshire survey, as it does in a number of other counties, and he meets the arguments of Sir Paul Vinogradoff by contending that the rearrangement of the original returns by hundreds and vills into the existing one by fiefs would have been meaningless on any other assumption than that of Maitland. On the first

point it may be remarked that the marginal M. is omitted in the case of not a few holdings which are described as manors in the text <sup>1</sup> and probably of others which are not, while there are many counties in which it does not appear at all. From the Huntingdonshire Domesday (and others) we should gather that this marginal notation, when fully carried out, was intended to distinguish between 'manor' and 'soke'. As for the argument from the rearrangement under fiefs, it proves too much, for the Geld Inquest of the south-western counties in 1084 <sup>2</sup> shows that the responsibility of the hundred for its quota of the geld was still in full force two years before the Domesday Inquest, and the form in which the latter was finally cast tore hundreds as well as vills into shreds. We may doubt indeed whether Domesday Book was ever intended to be a ratebook for collectors of Danegeld. As the tax had been collected at intervals down to so recent a date as 1084 there must have been fairly accurate records of local liability, as indeed the Geld Inquest returns show. The main object of the inquest of 1086 was, we take it, to amass the material on which a revision of a more or less antiquated assessment could be based. A comprehensive review of the taxable capacity of the country was bound to take account of the fief, and the conqueror doubtless had other reasons for desiring an accurate record of the changes which twenty years of Norman rule had introduced into the English land system. Domesday shows a society in a state of transition, and, as Dr. Round pointed out in an article in this Review <sup>3</sup> to which Mr. Fowler makes no reference, it affords ample evidence that the manor had not universally superseded the vill as the local unit of taxation. There was a strong tendency in that direction, no doubt; the manorial lord would naturally collect the geld payable by his villeins, and in many cases vill and manor were coincident. But things were not always so simple as this. In Bedfordshire, for instance, considerably more than half the vills were divided into separate holdings ranging up to twelve. The majority of such vills contained one or two estates marked as manors, but it is hard always to discover the basis of distinction between these and others not so marked, and nearly a quarter include no manor. The distinction between manor and sokeland may account for a good deal, but not for all. In such villages collection of the whole geld at a manor house was usually out of the question. Mr. Fowler, indeed, suggests that even the Anglo-Saxon small-holder who could freely dispose of his land (and his successor) must pay the Danegeld through his lord. But he had not always a lord, and the one or two cases in Domesday Book of payment of Danegeld by such a holder to his lord, who retained it, are more probably examples of royal grant of the tax to the lord than of the normal mode of payment by freeholders. We may add that despite the stress which Domesday lays upon pre-Conquest freedom of disposal, it records at least one instance of a tenant who had no such power, but nevertheless held his land *pro manerio*.<sup>4</sup>

<sup>1</sup> Mr. Fowler has accidentally omitted to mark as manors the following holdings: Arlesey 97, Knotting 19, Silsoe 194, and Wilden 18.

<sup>2</sup> Mr. Fowler (p. 77) says: 'It has been suggested that tenants in chief were excused the Danegeld of 1084.' As far as its records go, their demesne lands were everywhere exempt.

<sup>3</sup> *Ante*, xv. (1900) 293 ff.

<sup>4</sup> i. 267 b.

Of the interesting results worked out with such labour by Mr. Fowler a few only can be specified here. The table of hundreds shows that Bedfordshire more than most counties preserved a close numerical relation between the hundred and the number of hides it contained, although one hundred had disappeared since 1066. From the *valet* figures, which are given at three dates, it has been possible to trace upon a special map the lines of march of the Norman forces. Recovery was slow in the districts thus affected, but taking the county as a whole the estimated annual value in 1086 was only 33 per cent. (not 23 as on p. 80) below that of twenty years before.

In working out the agricultural statistics of the county, Mr. Fowler is struck, as others have been elsewhere, by the large proportion of oxen and presumably of land assigned to villeins on many of the smaller holdings. In thirty-six entries from two typical fiefs there are five in which one villein has a full team of eight oxen and so apparently 120 acres of land, and the average is 60 acres. What is usually considered the typical villein tenement, a yardland of 30 acres, appears only six times. Perhaps omission to record bordars' shares in teams may go further than Mr. Fowler suggests to explain the apparent wealth of the villein on these small-holdings, but this can hardly be the whole explanation. Is it possible that he represents the pre-Conquest sokeman who held so much of the land of the county in 1066 but had since, by that name and as a freeholder, largely disappeared? Of 353 assessed hides, more than a fourth of the whole county, which were in the hands of sokemen at the death of the Confessor, only about 20 hides remained in the same category twenty years later. Half a hide to a hide was not an uncommon soke holding before the Conquest.

The sober and judicious discussion of questions such as this, which is selected here as one of the most important, sets a high standard for future monographs on similar lines which it is to be hoped will not long be delayed. For if the unresolved problems of Domesday are ever to receive a full solution, it can only be by a scrutiny of the whole evidence which is available. We trust indeed that Mr. Fowler himself will apply the experience he has gained on the Bedfordshire Domesday to other adjoining counties. In view of that possibility, it may be useful to draw his attention to a few points which seem open to criticism.

A very slight amount of checking of the great mass of small figures in Tables I-III leaves a general impression that Mr. Fowler is remarkably accurate, but he has omitted a hide in Evershot II which brings up the assessment of that vill to a round ten hides. Cases of land which was in one county for one purpose and in another for another often contain pitfalls, and Mr. Fowler has not wholly escaped them. Westoning, though in Bedfordshire, was surveyed under Hertfordshire because it was a member of the great manor of Hitchin, but it is distinctly stated that under the Confessor it paid its geld in the Bedfordshire hundred of Manshead and had paid none at all since. Logically its hidage ought to have been included under that hundred. It must be added that Mr. Baring also excluded it. But it is misleading to put it in the same category as (part of) Meppershall which actually gelded in Hertfordshire. On p. 6, indeed, the latter is said to be 'assessed' in Bedfordshire, but this is an accidental mistranslation of the *appreciata* of Domesday, which of course means 'valued'.

A sentence on p. 66 which contrasts the render of a 'farm' in kind with that of 'a simple cash *valet*' is rather awkwardly phrased, in view of the fact that the Domesday *valet* was a rough estimate of a revenue, partly perhaps in kind, which might vary from year to year. More seriously misleading is the statement a few pages on (p. 72), that 'as with churches and mills, so also markets are only mentioned by D. B. when they yield revenue to the Crown', and the consequent inference that the 10s. issuing from Barnard's market at Arlesey was a yearly rental exacted by the Crown as the grantor of market licences. It is not strictly true, again, that 'both ore and mark had been raised by a third (more correctly fourth) at the Conquest' (p. 78), for the ore of 16*d.* and that of 20*d.* (each eight to the mark) were both in use before the Conquest and both continued to be used after it, though only sporadically in the case of the former.

Mr. Fowler's treatment of the pre-Norman side of his subject shows some gaps in his equipment. He does not, for instance, seem to be acquainted with Professor Chadwick's attack on the older view of the antiquity of the hundred as an administrative unit. The views of his authorities are also apt to harden in his hands. He is much more confident of the correctness of Maitland's interpretation of 'burh-geat-setl' than Maitland himself was, and Stubbs would hardly have fathered the assertion that King Alfred 'definitely linked land ownership with military service at the rate of a warrior for every five hides' (p. 83). JAMES TAIT.

*Newington Longeville Charters.* Transcribed and edited by the Rev. H. E. SALTER. (Oxfordshire Record Society, 1921.)

THE charters here set forth are to be found among the muniments of New College; some of them are originals, but some survive only as copies in the *Liber Niger*, a chartulary compiled early in the sixteenth century. The so-called priory of Newington Longeville in Buckinghamshire was a cell of the Cluniac priory of Longueville Giffard (arr. Dieppe), and its lands, advowsons, pensions, &c., were granted by Henry VI to New College in 1441. The gift was a noble one. The properties were valued at £150 a year, and had provided the monks of Longueville Giffard with a net income of about £100. When the college entered into possession it transferred to its muniments the documents preserved at Newington, and, as Mr. Salter gives reason to believe, succeeded in procuring copies of or access to other records of the priory. The Newington documents in the *Liber Niger*, whose originals were not among the New College muniments, seem to have been taken from a register of the Norman house. It is quite possible that if a search were made among the Longueville charters in the Archives de la Seine-Inférieure, used by Delisle for his *Cartulaire Normand* (1852),<sup>1</sup> the originals of some of the charters here printed from the *Liber Niger* would be found. Henry II's long confirmation charter to Longueville of 1155, here printed (no. 2) from the Newington records, has also been edited, as Mr. Salter notes, in Delisle's *Actes de Henri II*.

As one would expect from a scholar whose wide and accurate learning

<sup>1</sup> See *Cartulaire Normand*, nos. 1024, 1039, 1210.

equals his intimate knowledge of local history, Mr. Salter's work is a model piece of editing. In his concise introduction he fastens upon all the points of interest in the charters and casts light on several aspects of monastic economy. He explains how alien priories were treated during the Hundred Years war before the confiscation of 1414. He reminds us that many of them were not monastic bodies at all, but, like Coggs or Minster Lovell, centres for the administration of their English lands by two or three monks sent over from the foreign house. 'Like many another alien priory,' Newington 'had no chapel, no refectory, no cloister, no chapter house. These things were unnecessary where there were only two members, who took no novices and did nothing more than act as agents for the Priory of Longueville' (p. xvi). Mr. Salter's disquisitions on the grant of tithes of demesne, on the difference between a 'portion' and a 'pension' and similar matters, are especially helpful. Many of the documents deal with claims to or disputes about the property of Longueville in English tithes and churches. There is, for example, an interesting report (no. 116), drawn up by the archdeacon's official, of the chapter of the rural deanery, which was held at Tasburgh in Norfolk on 23 July 1292. A sworn inquiry was made at this chapter into the right of presentation to the church of Long Stratton, claimed by William de Say and by the priory of Longueville. Apart from its formal interest, the document illustrates the strength of local memory. Early in Henry II's reign Robert of Bernai had given the church of Long Stratton in free alms to Longueville (no. 112). In 1292 the men of the neighbourhood were hazy about the legal validity of the grant, but they had knowledge of the circumstances under which Robert of Bernai first allowed the monks of Longueville to present to the church at Long Stratton.

Among the deeds found only in the *Liber Niger* of New College 'is one which speaks of a chancellor at Cambridge five years earlier than has been known hitherto,<sup>1</sup> and two which mention a monastic house in Buckinghamshire known as Kodesmere, of which neither Dugdale, nor Tanner, nor the local historians have any knowledge' (p. xi). But there is a great deal to be found in these deeds by those who know what they want. The only defective part of an excellent book is the somewhat perfunctory index, which, though fairly complete, lacks uniformity. F. M. P.

*The Mesta.* By JULIUS KLEIN. (Cambridge, Massachusetts: Harvard University Press, 1920.)

THIS prize essay on the great corporation of Spanish migratory sheep-owners, which was for centuries the key-industry of Spain, is a pioneer work of much interest. It would be impossible for any one who had not the same access to the numerous local documents examined by the author to test the full value of his work, especially on the point on which he lays particular stress, the want of all relation between legislative enactments and their practical results.

Dr. Klein traces the origins of the merino flocks, imported almost certainly from Morocco, and then from 1273 to 1836 the network of wide sheep-tracks which traversed Spain from the southern to the northern pasturage. He describes the organization of this voluntary association,

<sup>1</sup> See *ante*, xxxvi. 419 (July 1921).

its relations to internal and external commerce, and above all its judicial and financial relations to the Crown. For most readers the chapters of chief interest will probably be those on the zenith of the Mesta in the reigns of the Catholic kings and Charles I, and on the decline, which, beginning under Philip II, ended in extinction in 1836. The former reigns with the earlier period of that of Philip II cover the most intense age of Spanish economic policy, when the interests of free trade and protection, of consumer and producer, of manufacture and prime products, of agriculture and pasturage, of migratory and sedentary pasturage, even of autocracy and local autonomy, are all clashing. Into every one of these conflicts the chief Spanish export, wool, necessarily enters. Under the Catholic kings and the first Habsburgs the Mesta became in effect a monarchical institution. Its president was the senior member of the royal council, its administrators, the *entregador* and sub *entregadores*, were directly or indirectly appointed by the Crown. It was thus the most accessible source of royal revenue, and, what is more, the most centralizing element in Spain, for its ramifications spread throughout the country. The Mesta could afford to pay highly for royal protection, for it had many enemies. The deforestation of Spain and the ruin of agriculture were continually ascribed to the migratory flocks by cultivators and landlords, personal or municipal, and by the representatives in Cortes. These denunciations, thinks the author, were somewhat exaggerated, for other causes certainly contributed. Directly monarchy weakened, the privileges of the Mesta were attacked by the chanceries of Valladolid and Granada, jealous of the central bureaucracy of the royal council, by the Cortes and the individual municipalities, by the champions, that is, of provincialism and municipalism. The sonorous proclamations in its favour during this period are shown to correspond in no measure to the Mesta's actual success.

The stronger monarchy of Charles III, instead of reviving the fortunes of the old ally, took a wider outlook. Campomanes, his mercantilist minister, examined without prejudice the real claims of agriculture and of the owners of stationary flocks, which had long been increasing. He was followed by the economic theorists, who really gave the death-blow to the exaggerated privileges of the Mesta. In vain reactionary kings struggled to revive them, and in 1836 the very name was abolished. Yet the migratory system still survived, owing to its inherent strength and climatic conditions equally prevalent in Northern and Southern Italy. Instead of pattering and nibbling along the wide tracks that permeated Spain, the sheep are now conveyed in three-decker railway cars which in great measure follow the ancient routes. E. ARMSTRONG.

*La Collation des Bénéfices Ecclésiastiques sous les Papes d'Avignon (1305-1378).* Par G. MOLLAT, Professeur à l'Université de Strasbourg. (Paris: Boccard, 1921.)

In this book M. Mollat has treated at length an aspect of the history of the Babylonish captivity which he could only touch upon in his previous work, *Les Papes d'Avignon*. The subject has been strangely neglected by English historians, and indeed has never before been comprehensively

treated. Yet it is of the highest historical moment, for it was largely by the assertion of their claim to dispose of all ecclesiastical benefices that the popes of Avignon accomplished that centralization of church government which compensated them for the decline of their influence over the general affairs of Europe and enabled the papacy to emerge from the great schism and the conciliar crisis with its jurisdiction virtually unimpaired.

The first part of M. Mollat's book deals with the policy of the popes towards the lesser benefices; the second part is concerned with their treatment of bishoprics and abbeys; while the third reviews the effects produced in various countries. The first part is the longest and best. The origin, growth, and working of the system of reservations and provisions are set forth with a thoroughness and (in the main) a lucidity which abundantly prove the author's mastery of his subject. Of outstanding value is the chapter in which M. Mollat shows how papal provisions were actually obtained. One is apt to speak of them as if they were dealt out somewhat promiscuously and could be procured with little trouble. In reality, as M. Mollat shows, to get a papal provision was a tedious, costly, and very uncertain undertaking. Save in rare cases, a formal petition had to be presented at the *curia*, whether by the suppliant himself or a hired agent, and it had little chance of success unless it was backed by an influential patron. If granted, the petition must be recovered from its file by the applicant or his representative, and registered. At this point, the petitioner, unless he belonged to certain privileged classes or had secured a special exemption, must undergo an examination in reading, singing, and literary composition, and it was only by dispensation that this could take place away from the *curia*. Next, the petition must be drafted in the form of a mandate by an *abbreviator*, and the mandate must be properly engrossed by a *scriptor*, inspected in the *correctoria*, read before the pope or the *auditores literarum contradictarum*, and sealed by the *bullatores*. If the petitioner was wise, he would then have it registered. Finally, but only after he had made some arrangement with the *camera* about the payment of his annates, the document was put into his hands. At almost every stage of this process, a difficulty might arise or a delay occur, and at every turn there were fees to be paid, presents offered, and gratuities bestowed. Nor was the provisor sure of his prize when he had satisfied all the demands of the *curia*. His bull had to be executed. The ecclesiastics appointed to do this might question its genuineness; resistance would probably be offered by a rival candidate or an injured patron; a long lawsuit at the papal court might ensue; and when sentence had been given, it might be difficult to enforce it. That such obstacles were very frequently encountered by provisors is clear from the examples adduced by M. Mollat. We have dwelt at some length on the difficulties which confronted candidates for preferment at the hands of the pope because they show that the vast majority of the clergy had the strongest reasons for resenting papal usurpation of the rights of patrons. That in the end this usurpation was generally successful is a most striking testimony to the prestige and power of the papacy in the church of the fourteenth century. Far too much has been made of the loss of moral ascendancy suffered by the Holy See in consequence of the Babylonish captivity.

Resistance of course there was, both by clergy and by kings. The instances given by M. Mollat are of special interest to the English reader, for they deal what we hope will be the final blow at the theory—mortally wounded by Maitland, but an unconscionable time a-dying—that in the middle ages the church in England enjoyed a peculiar measure of freedom from papal authority. Papal provisions affected no country more than England; yet while continental churchmen often defied the pope and defied him successfully, it was very seldom that English churchmen said or did anything which implied a doubt respecting any of his claims. All effective English resistance came from the temporal power, and it is commonly assumed by English writers that, whatever may be said of the clergy, the English laity were conspicuously bold in their attitude towards the pope. Even this belief, it seems, must now be abandoned. Some of the continental clergy, in their opposition to papal encroachment, did things which would have scandalized the most anti-papal of fourteenth-century parliaments in England. For instance, Albert of Hohenlohe, bishop of Würzburg, and the chapter of his cathedral issued a statute forbidding the introduction into the diocese of papal letters of grace or justice. Offenders were to be drowned or otherwise put to death. This was no idle threat; for when Innocent VI conferred on a Frenchman an archdeaconry in the diocese and a canonry and prebend in the cathedral, the three clerks who arrived at Würzburg to execute the papal mandate were set upon by the servants of the canons and thrown into the Main. Innocent took proceedings against the murderers; but all we know of the outcome is that the French provisor never got possession of his benefices. Though the victims were apparently lynched, their fate was in strict accord with the declared policy of the bishop and the cathedral clergy. No such drastic measures were ever contemplated in fourteenth-century England.

Though very instructive, the third part of M. Mollat's book is far less scholarly and convincing than the preceding sections. It could hardly be otherwise, seeing that M. Mollat has tried to describe in less than 100 pages the attitude of every part of western Europe towards papal reservations and provisions. The chapter on England is particularly disappointing. M. Mollat has failed to make the best use of the accessible authorities; most of his matter is taken from the *Foedera*, and though he has explored the *Foedera* to good purpose, a fuller investigation of the Rolls of Parliament, the calendars of Patent and Close Rolls, and contemporary chronicles—not to mention the calendars of Papal Registers—would have enabled him to add a little flesh and blood to the skin and bone he offers. M. Mollat, moreover, has imperfectly grasped the relations which subsisted between church and state in England during the fourteenth century. He thinks that the main cause of dispute between the Crown and the papacy was what became known in France as the *régale*, the right of the Crown to administer the temporalities of bishoprics and of abbeys in the royal domain during vacancies. This was of course a point of controversy, but it was obscured by larger issues. When in anti-papal statutes or petitions English kings or parliaments speak of the Crown's *regalitas* or *regalia*, they are thinking in particular of the claim, asserted in the first of the Constitutions of Clarendon and steadfastly maintained thereafter, that all suits

affecting rights of advowson belong to the temporal courts. This principle is known to M. Mollat, for it is stated in a document which he summarizes; but he apparently does not recognize that it was the basis of all the resistance of the English Crown and parliament to papal provisions, still less that, in Maitland's words, it may be regarded as 'the true Magna Carta of the "liberties of the English Church"'. Unless its importance and implications are grasped, the anti-papal measures adopted in England during the fourteenth century cannot be fully understood.

One might add further criticisms. It is surprising that M. Mollat gives an inaccurate summary of the contents of the first statutes of provisors and praemunire. Even when describing the machinery of the *curia*, he is sometimes obscure; for instance, we find it hard to connect p. 101 satisfactorily with p. 108. He displays even more than the normal Gallic contempt for the orthography of languages other than French. And we doubt whether many of his readers will be convinced by his attempts to palliate the defects of the popes of Avignon, for M. Mollat's honesty is continually causing him to point out ineffaceable stains on the very surface he is trying to whitewash. But we do not wish to end in a fault-finding tone. Whatever the weaknesses of the book, they are easily outweighed by its merits; it adds to our knowledge on almost every page, and on countless topics offers an admirable starting-point for further research.

W. T. WAUGH.

*Social Life in the Days of Piers Plowman.* By D. CHADWICK. (Cambridge: University Press, 1922.)

*The Pastons and their England: Studies in an Age of Transition.* By H. S. BENNETT. (Cambridge: University Press, 1922.)

THESE two volumes form part of a series of Studies in Mediaeval Life and Thought under the editorship of Mr. G. G. Coulton. We are told in a general preface to the series that it should 'appeal directly to that craving for clearer facts which has been bred in these times of storm and stress'. This may in a sense justify the restriction of a survey of social life to the definite material contained in one principal source, as is the case (though in different degrees) with these two volumes. But such a method has its drawbacks. No source of information is entirely impeccable, and none will be the less valuable for being checked or supplemented by others. It is inevitable that an author depending in the main on a single source should adopt much of the prepossessions and restricted outlook of his original. This is somewhat marked in Miss Chadwick's volume, which, though she describes it as intended primarily as a guide to the facts of social life recorded in *Piers Plowman*, would have gained in value if it had been supplemented, or checked, more freely from other sources. As it stands the volume is little more than a précis of the material to be found in *Piers Plowman*, and though it is useful to have this material so well and clearly summarized the volume cannot serve as a complete picture of social life in England at the close of the fourteenth century. This comes out very clearly when an attempt is made to describe 'Methods of Warfare' (p. 52) from such an original, and the result is only misleading. A 'baselard' by

the way was a long dagger, not a short sword, and was hardly a distinctive weapon of a knight ; it is perhaps the weapon most commonly mentioned in the wills of London citizens. Miss Chadwick's own interpretation of her original would also have benefited by a wider use of other sources. Stratford was not the head-quarters of the bakers who supplied all London, but only one of the principal places from which 'foreign' bakers came into the city, where there were of course many bakers amongst the citizens. The fifth order of Friars no doubt means the Crutched Friars, who, though not one of the mendicant orders, are often included in London wills with the four true orders to make up five ; the reference is an indication of London authorship.

Mr. Bennett in his volume has taken a wider view and supplemented the Paston Letters from other sources. Dr. Gairdner deliberately dealt very briefly with the social side of the Letters, and this summary of the information they afford for everyday life is a piece of work which was well worth doing. Mr. Bennett has on the whole accomplished his task admirably, and the book is one which will be read with interest by many who would never have attempted to study the originals, but will now be incited to do so. Mr. Bennett has not, however, entirely avoided the trammels of his original, and does not seem quite to recognize that the Paston Letters and Stonor Letters are only two chance survivals, which prove how almost universal the practice of letter-writing had become. He takes exception to my own and Dr. Gairdner's opinion as to the extent of education at the time. But that opinion does not rest simply on the evidence of the Paston Letters and Stonor Letters, nor even on that of the numerous other letters which have survived, many of which are still unprinted. The free practice of letter-writing was the natural outcome of the growth of schools and the increasing interest in literature which are two of the minor characteristics of the age. Mr. Bennett observes that many of the documents in this collection are not actual letters but only rough drafts, and sees in this a proof that the writers did not find expression easy. I should myself find in it evidence for a contrary conclusion. The art of letter-writing was far advanced, when the writer had come to keep copies of those which he sent, and the copies thus kept are, of course, often ill-written and full of corrections ; exactly the same characteristics would be found in any such collection of whatever date ; I have in mind a collection of the early eighteenth century, where the keeper of the letters was a man of good education and some culture, but wrote his drafts villainously and made them more difficult by his corrections. Some of the Stonor Letters at all events were written by people who could use their pens easily. Though Elizabeth Stonor sometimes employed an amanuensis, there is evidence that she then dictated her letters, a performance which requires some educated skill in both parties. In this and in some other matters Mr. Bennett has been too ready to assume that things which appear strange in the Paston Letters were characteristics peculiar to them. He comments on the formality and deference of the diction, and the practice of putting the place and date at the end, as though such features were not common at a much later period. Similarly the stilted and carefully chosen language in which children addressed their parents is taken to show the

wide difference between the fifteenth-century conception of the relation and our own. But the same stiff formality continued to a very much later period, and two hundred years ago (or less) a man would write to his son's wife and sign himself 'your affectionate father and humble servant', when he certainly was not the latter, and there is no reason to doubt that he was the former. A wider familiarity with the currency of formal expressions would have enabled Mr. Bennett to escape from unsound conclusions. It is somewhat the same with his view of the commercial side of match-making; marriages continued to be negotiated with a keen eye to money till a very much later time: wise parents took care to remove all obstacles of this kind beforehand, but that did not mean that the personal inclinations of the young people were disregarded; the fact that so many fifteenth-century marriages turned out happily suggests that parents were no more indifferent then than at any other time. It is always dangerous to interpret the forms of another age by the ideas of our own, and documents like letters must for this reason be used with discrimination. The same caution applies to legal documents like the Early Chancery Proceedings, of which Mr. Bennett has made good use; there is no doubt that much valuable information can be derived from such a source, but the regularity with which 'fourscore men of his affinity unknown to your complainant' make their appearance in Chancery Petitions raises a doubt whether the legal draftsman was always particular about his facts. The truth is that in almost all documents illustrative of social life we are likely to get more grievances and complaints of abuses, than comments on the ordinary and pleasant incidents of everyday life. Roads in the fifteenth century were bad, but the complaints of their badness show that people were not indifferent. The London merchant who left money for the repair of highways was perhaps more practical than charitable; he commonly did so for those which he and his successors made use of. If a London alderman was fined for leaving a dead dog at his door, it is better to assume that such a practice was regarded as reprehensible than that it was usual amongst people of his class. However, if those who read and use these two volumes will do so with an open mind they will find much in them that is novel and instructive. Mr. Bennett has concluded his volume with a valuable collation of the editions and original letters. He does not appear to be aware that there are other Paston letters and documents of the fifteenth century, as in the *Rutland Papers* (Royal Commission on Historical MSS.).

C. L. KINGSFORD.

*Bishop Barlow and Anglican Orders.* By ARTHUR STAPYLTON BARNES, M.A. (London: Longmans, 1922.)

*Bishop Barlow's Consecration and Archbishop Parker's Register: with some New Documents.* By the Rev. CLAUDE JENKINS. (Extract from *The Journal of Theological Studies*, vol. xxiv, no. 93, 1922.)

FLOGGING a dead horse is neither a profitable nor an edifying occupation, and this is what Mgr. Barnes has been doing in this book. Surely no one has ever had his life examined with such malevolence as Bishop Barlow. We hold no brief for him, and, like many others in those troublous times,

he doubtless changed his opinions more than once. But if he did unroof Bishop Gower's palace at St. Davids and sell the lead, he fixed the residence of the bishop at so convenient a place for the working of the diocese, that none of his successors has ever moved back from Carmarthen; he was not a pluralist, and he founded Christ's College, Brecon. His widow's ambition to marry her daughters to bishops, over which Mgr. Barnes waxes merry (pp. 19, 160), does not suggest that *she* had any doubt as to the validity of Anglican orders. Perhaps she was not let into the dreadful secret that has just been discovered by the author. This is briefly, that Henry VIII once—and apparently once only—experimented in making a bishop all by himself, and would not have Barlow consecrated, but apparently concealed all knowledge of this from every one but Barlow himself, till it subsequently became known to Elizabeth and a few others, who promptly hid all traces of the fact but one, which Francis Mason found before 1613 and then persuaded some one else to mutilate. The 'Defender of the Faith' therefore went further than Gustavus Vasa, who allowed the succession to be preserved in Sweden, or Christian III, who substituted a Lutheran succession in Denmark. This does not sound likely. Still less is it intelligible how Barlow's colleagues of the bench could have been deceived into thinking he had been consecrated, when as a matter of fact he had not, or acquiesced in his assisting, for instance, in the consecration of Skyp in 1539 and Bulkeley in 1542. They certainly would not have held the view set forth on p. 79.

The author's animus may be judged from the following: 'Queen Elizabeth's ministers would hardly have hesitated to order the removal by poison or otherwise of a prisoner whose life was already forfeited by the law, and who had knowledge of a very inconvenient secret.' On the contrary, if they were as bad as that, why did they keep Archbishop Creagh in prison for seventeen years? Any one who has not an axe to grind will affirm confidently that Creagh died a natural death.

The author is ignorant of the grammatical figure of 'Litotes', which is a feature of the Latin but not of the English language (p. 163); *hæud ineleganter* is stronger than *eleganter*. Perhaps *eligerunt* is a 'modernized spelling', but there can be no justification for inserting the name Cranmer into what purports to be a translation (p. 183).

Mgr. Barnes seems to approach documents with a fixed prepossession that deliberate mutilation has constantly taken place. In the Register of the Dean and Chapter of Canterbury, which he appears to have inspected only by deputy, there is no sign of mutilation, except that the folio recording Heath's leave is a half-folio, and if the other half ever existed, it must have contained Bonner's leave. The Register is very imperfect: not only is Barlow absent, but many other bishops of that period. It is not true to say (p. 135) that it is 'mutilated just at the place where Barlow's entry should be, otherwise perfect'. Probably in most of the cases where Mgr. Barnes speaks of mutilation, the records were imperfect from the first. This aspect of the matter is minutely treated in Mr. Jenkins's article, which displays a knowledge of the records of the period and a critical insight so remarkable that we wish here to direct attention to it, not only as a review of Mgr. Barnes's book, but as an original contribution to

English ecclesiastical history and, especially, as an example of method well deserving imitation.

Another desideratum in the book is a mastery of the whole literature of the subject and not merely that part of it which is agreeable to the author's views. Haddan would have solved some of the difficulties, and he wrote more than half a century ago. Thus (1) the Nag's Head fable was not current for fifty years (p. 156). It was first put in print at Antwerp in 1604 by the Jesuit Holywood. The sole authority quoted for it is Thomas Neale, chaplain to Bonner, and Hebrew lecturer at Oxford from 1559 till he was deprived in 1569. From 1604 it formed the stock-in-trade of Roman controversialists for twenty years, and it was to answer a new calumny that Mason wrote. So far from apologizing for it, Mgr. Barnes actually says (p. 156): 'Scory at least was quite likely to have got merry with wine and to have acted in this way.' (2) The fact of Parker's consecration was not a 'well-kept secret' (p. 155). Haddan argues that Bonner knew the facts. It is mentioned in the contemporary diary of Henry Machyn (pp. 36, 150), but 'at the time no information of any kind was vouchsafed to the outside world' (p. 94). It was recorded in the margin of a book by John Parker, the archbishop's son. (3) The reason for the dropping of Bonner's case was the objection of the lawyers, that 1 Mary 2 had abrogated the Ordinal of Edward VI; this legal objection was met by 8 Eliz. 1 (p. 106). But legality and validity are two different things.

The anachronism of which Mgr. Barnes speaks so triumphantly on p. vii is, we suppose, the fact (p. 127) that Bullingham is described as archdeacon of Lincoln. That would be a serious objection, if he never had been and became so afterwards. But as he had been archdeacon of Lincoln and was deprived in 1553, what was more natural than to describe him as 'de jure' archdeacon, particularly as within a month he became not archdeacon but bishop of Lincoln? Talking of 'anachronisms', there is a curious one on p. 149. No common room existed in Oxford at the time of Parker's consecration, or for a century afterwards.

There is nothing suspicious in the similarity of the record of Richard Curteys's consecration in 1570 to that of Parker in 1559. Does not the *Historiola* say, 'The very same solempnitie and manner of consecration he used toward his bretherne bishoppes, upon whom afterwards he laide his hande'?

On the whole the book will hardly incline unprejudiced historical students to go behind the verdict of Lingard (while he was allowed to speak for himself without being edited), that Parker was consecrated by 'Barlow the deposed Bishop of Bath and Hodgkins, once suffragan of Bedford, who had both been consecrated according to the Catholic pontifical'. The book is not history, but its imagination would provide material for an historical novel in the style of Mr. G. P. R. James. M.

*Marlborough and the Rise of the British Army.* By C. T. ATKINSON. (New York: Putnam, 1921.)

THIS is a compact and—unlike that of the late Mr. Taylor,<sup>1</sup> which by a strange coincidence has appeared at the same time, after we had been

<sup>1</sup> See *ante*, xxxvii. 616.

waiting for years for an authoritative biography—a completed work. It deals with the duke's career as a whole and as a stage in the history of the army. It falls into line with the work of Fortescue and Oman in that it gives full credit to British leaders and led, whereas some of our older historians, Malleon for example, were led astray by continental criticism and did them less than justice. Marlborough, like Wellington, has now been put into his proper place. Thus it is a little curious that in the introductory chapter, while much is rightly said of Gustavus and Turenne as his predecessors in the art of war, there is a bare reference to Rupert and Cromwell, whose methods he combined and improved.

The chapters on his life before Anne's reign contain nothing new, and probably students of the period have already made up their minds on his conduct towards James and especially on the Brest episode. Yet one wishes that Mr. Atkinson had given more details as to the nature of the documents on which Macaulay based his charges of black treachery; also, later on, a fuller treatment of Swift's attack would have been welcome; for in both cases students who have not specialized would hardly be able to understand why such extremists were led away or how their bitterest accusations can be refuted. So, too, nothing is said about the usual charge of miserliness and meanness. The main story of the great campaigns is told with clearness and vigour and the importance of the British amongst the many allies is emphasized. Of course the influence of 1914–18 is seen; e.g. the war in Spain was not 'a side-show', and Hill's stupid expedition to America in 1711 was; the forcing of Villeroi's and Villars's lines obviously leads to reflections. One regrets that Marlborough's attitude towards Peterborough and Galway is not treated more fully, but his understanding of sea-power receives due recognition. The Dutch author of whom Mr. Taylor makes use is barely mentioned by Mr. Atkinson; on the other hand, the useful Orkney papers, first given to the world in this Review, are used by both, and are of special value in the account that each gives of Ramillies. One who has visited the battle-fields in Belgium is glad to bear witness to the excellence of the plans; both at Ramillies and at Oudenarde knowledge of the lie of the ground is indispensable, especially on the allied right in each case. One would wish also to call Mr. Atkinson's attention to the claim of Colonel Everard, the historian of the Worcestershires, that the 29th, and presumably the whole of the brigade to which they belonged, joined in the infantry assault on Ramillies. There are almost too many maps of Belgium, for one has to search sometimes in more than one or two of them before one can find some particular place.

J. E. MORRIS.

*Histoire de la Régence pendant la Minorité de Louis XV.* Par Dom H. LECLERCQ. (Paris: Champion, 1921.)

THE regency of the duke of Orleans was a period so full of strange characters and striking events and so influential upon the later history of France that we cannot complain of the bulk of Dom Leclercq's history. It is a solid piece of work, based upon a wide examination of original authorities. Among these the abundant state papers of that time preserved in the

archives of France, England, Spain, Holland, and other countries take the first place and are now more available than at any former time. Among the literary authorities the one best known to the general public, the *Memoirs of St.-Simon*, Dom Leclercq rates low. St.-Simon was, he admits, an incomparable portrait-painter, but he allows the duke no other merit. St.-Simon, he considers, was vain, egoistic, spiteful, and habitually regardless of truth. Nor does he rate highly the famous *Correspondance* of the regent's mother. He attaches more value to the journals of obscure citizens like Buvat, Morais, and Barbier. Among the earlier historians of the regency he considers Lemontey the most helpful.

Dom Leclercq gives his readers the impression of an honourable desire to get at the truth. He is or strives to be impartial, although he leans to the side of severity in most cases while in one or two instances almost weakly indulgent. He does not love foreigners. In these pages we have found many hard sayings about Englishmen, Spaniards, Germans, and Italians, unbalanced by any compliment. On the other hand, while acknowledging the mischief done to France by Louis XIV, he cannot resist his fascination. Seventy pages are devoted to a needlessly minute account of the king's last illness and death. The bearing of Louis throughout is described as heroic. Louis certainly died as he had lived, with firmness and dignity. But thousands, unsustained by the thought of a gazing world, die as bravely every year. Dom Leclercq may not know the vigorous lines in which Byron has explained how the men esteemed most fortunate, the men sated with power and pleasure, die more calmly than the obscure and unsatisfied. In contrast, the picture here drawn of Dubois makes him even more disreputable than we knew him to be. No satire of Swift upon public men will compare with the story of how Dubois became a cardinal as told by Dom Leclercq. Nothing in comedy or farce will compare with the picture of the emperor, the king of England, and the Pretender all aiding the French government to obtain the cardinal's hat for this profligate intriguer.

The history of the regency Dom Leclercq regards as the prologue to the history of the Revolution. Under the regency the spirit of revolt first broke loose. The revolt was not originally political, it was rather intellectual and social. The age of Louis XIV had ended in defeat, in bankruptcy, and in general wretchedness. Various writers had protested against the government and policy of Louis and had even ventured to propound radical reforms. Much was expected from Orleans, whose natural disposition was so different from that of Louis, who had been so carefully debarred from public life, who had been fettered as regent by the terms of the king's will, and who had to dread the competition of the king's legitimated bastards. These hopes were disappointed, for almost all the experiments of the regency were failures, but the impulse to criticism and even to destruction, once given, continued to work. Upon the first of these experiments, government by councils instead of individual ministers for each of the departments of state, Dom Leclercq substantially adopts the view of previous historians, that it was destined to fail because the nobles of whom the councils were composed had neither aptitude nor industry nor experience of public business. He makes, indeed, some reservations in favour

of the work of the council of finance and of the council for military affairs. But the deplorable state of the kingdom could have been remedied only by really able experts working under a resolute and laborious ruler. Dom Leclercq retraces the familiar picture of national bankruptcy and recounts the violent and unjust measures taken to reduce the obligations of the Crown. He describes in detail the rise of Law and the growth and collapse of his famous system. It is a good and interesting description, although it hardly alters the impression left by older and briefer accounts. More novel to most readers will be his chapter on the colonization of Louisiana as part of the Mississippi scheme. Strange methods of colonization have been tried elsewhere than in France. We ourselves for many years exported criminals to people our colonies. But never perhaps has the method of founding new nations with the rubbish of old been carried to such a grotesque length as under the regency. And never has the prime vice of the old French monarchy, its arbitrary and reckless mode of treating individuals, been more forcibly exemplified.

The history of foreign affairs, however, claims the largest share of space in these volumes. Dom Leclercq follows with extreme minuteness every step in the diplomatic revolution resulting from the regent's personal ambition, which made France for a time the friend of England, Holland, and the emperor, while involving her in war with the Bourbon king of Spain. Dubois, according to our author, was in this field the evil genius of France. He was the first exemplar of that personal and unrecognized diplomacy, as opposed to national and official diplomacy, which continued to perplex and weaken French action abroad all through the reign of Louis XV. Together with his patron Dubois sacrificed French interests, made disastrous concessions to the English enemy, and repelled the advances of Peter the Great merely in order that Orleans might have English support for his claim to the succession, if necessary. Perhaps Dom Leclercq has not allowed enough weight to considerations on the other side. Through a lucky turn of English politics France, after the war of the Spanish Succession, had obtained far better terms than might have been feared, but she was in a miserable state and could not recover without the assurance of peace. Her old enemies were still bitter and suspicious, and the emperor would gladly have formed a new coalition against the Bourbons. France, therefore, gained much by cordial relations with England and Holland. If Orleans sacrificed to this object the possibility of a Russian alliance, the usefulness of that alliance may be overrated. Moreover, it would have involved the abandonment of old allies, Sweden, Poland, Turkey, and would have contradicted the tradition of French foreign policy. Had Orleans desired it, he was not in a position to hazard so much.

The history of the regency offers many alluring themes to a brilliant writer, but Dom Leclercq maintains his sober and somewhat pedestrian style throughout. Even the plague of Marseilles does not move him to rhetoric. He ascribes its ravages to the true cause, the abominable filth of the city, and he gives curious illustrations of the childish ignorance then general among French physicians. His pages upon French society in the time of the regency will disappoint readers who crave for strong sensation.

He observes with truth that our authorities, hardly telling us anything about the lower classes or the provinces, confine their view to Paris and the court. But the life of Paris and the court under the duke of Orleans cannot be depicted without reserve by an ecclesiastic. The history of society at that time, as Dom Leclercq remarks, should be written in Latin. Something akin to disappointment may be felt by those who read his chapter on literature. But we could hardly expect him to welcome the first stirrings of that destructive power which was to make such havoc before the death of Louis XV. Nor, indeed, were many works of genius published during the regency. In his conclusion Dom Leclercq abates something of his severity. He owns that alliance with England was at that time the true policy for France and that Dubois by securing it did a real service to his country. He declares that in the judgement of history the regent remains a vigilant, clear-sighted, and faithful servant of France.

In Dom Leclercq's references to English affairs one or two small inaccuracies may be noted. 'Lord John Dalrymple Stair' (vol. i, p. 18), for 'John Dalrymple, Lord Stair', is a petty slip. On p. 366 of vol. iii, James Radcliffe, earl of Derwentwater, who joined the rebellion of 1715 and suffered death, is confused with his brother Charles, who also joined the rebellion, but escaped to France and became Charles Edward's secretary. Dom Leclercq would seem not to have read his proofs with uniform care. Thus a quotation on p. 452 of vol. ii is repeated almost *verbatim* on the same page a little lower down. An anecdote told on p. 502 of vol. ii is repeated on p. 294 of vol. iii. The printer also has contributed a good many errors. But these blemishes detract little from the value of a learned and laborious history.

F. C. MONTAGUE.

*The Causes of the War of Independence.* By CLAUDE H. VAN TYNE.  
(London: Constable, 1922.)

IN this first volume of a history of the founding of the American Republic Professor Van Tyne once more shows himself a leading member of that new school of American historians (if, indeed, it can any longer be called 'new') which approaches the controversial questions of the past history without prejudice or bias, and makes an honest attempt to understand the point of view of both sides in a dispute. He does not disdain to make good use of previous secondary authorities. Thus the chapter entitled 'Groping for Solutions of the Imperial Problems' is mainly based on Alvord's *The Mississippi Valley in British Politics*, and the treatment of the economic causes of the revolution owes not a little to Professor A. M. Schlesinger's researches. So far as new material is concerned, perhaps the most valuable document brought forth is the relation by a French eyewitness of what actually took place at the memorable scene in the Virginia Assembly on 29 May 1765 when Patrick Henry talked about Charles having his Cromwell. If this Frenchman is trustworthy, 'Henery' cut a much less dramatic figure than in the popular legend.

Most people will agree with the general conclusion at which Professor Van Tyne arrives. Separation was the final goal because natural, political, social, and religious conditions were surely, if slowly, leading to it. The

folly and short-sightedness of British statesmen may have precipitated matters, but the final cause lay in a fundamental difference of character and ideals. Incidentally one may note that it would perhaps have led to greater clarity if the chapters relating to 'Conflicting Theories of Representative and Imperial Organization'; 'American *versus* English Ideas of the British Constitution'; 'The Social and Intellectual Gulf between the Parts of the Empire'; and 'Religious and Sectarian Forces which threatened Imperial Unity' had been less closely interwoven with those dealing more directly with the facts of the history. Especially valuable is the explanation of the different view with regard to the position of parliament held in America and in Great Britain.

Between two such conceptions of the powers of government compromise was difficult to attain. . . . In these two concepts one detects the main difference between English governmental ideas and those underlying principles which furnish the basis of the Constitution of the United States. In England all political power is in the hands of Government, though the ministry which wields that power is easily overthrown by a dissatisfied people. In America, with its written constitutions and judicial review, all government is of limited authority, though its agents are not so quietly or easily displaced when not obedient to the will of the people. Each system had its merits, each its disadvantages. These were the ultimate ends to which differing ideals were carrying two great peoples.

When dealing with the Navigation Acts it is strange to find so cautious and temperate an historian, and one, moreover, who lays such stress on the work of Mr. G. L. Beer, writing that 'it was not until the return of Charles II, ruined in purse and bent on exploiting the colonies to recoup his fortunes, that the full logical development of England's restrictive policy began'. Charles was ready enough to obtain an honest or dishonest penny from any quarter; but the general policy of the Acts had nothing to do with his idiosyncracies, but was in fact an inheritance from the protectorate, due to the merchants Noell and Povey. Again, in this part of the work a little more stress might have been laid on the methods, such as bounties, &c., by which the hardships of the whole system were, to some extent, mitigated. Space forbids us to deal further with the merits of this volume, which abounds in happy descriptions both of men and of measures. Samuel Adams 'was narrow-minded enough to be a perfect politician, never torn between opposing views, and therefore utterly intolerant of opponents, who hated him accordingly'. The modern American historian—fortunately for us—is made in a different mould.

H. E. EGERTON.

*Political Ideas of the American Revolution. Britannic-American Contributions to the Problem of Imperial Organization 1765-75.* By RANDOLPH GREENFIELD ADAMS. (Durham, North Carolina: Trinity College Press, 1922.)

AMERICAN Whigs of the pre-revolutionary decade were forced by the new imperialism of Grenville, Townshend, and North to construct theories of the colonies' place in the empire. Their intellectual efforts were not confined, as most people think, to deductions from the law of nature and the social compact. Many, even of the more radical leaders, were groping for a formula which would reconcile colonial autonomy with imperial unity.

Such American plans of imperial reorganization as saw the light before 1776 are described by Dr. Adams in this book.

For a doctoral dissertation (at the University of Pennsylvania, apparently) it is an able and well-written piece of work. The contents are rather ill-arranged, with considerable repetition; but some of the chapters in themselves are enlightening essays. There is an excellent one on John Adams, whose 'eighteenth century mentality grasped the possibilities of twentieth century realization', whose controversy with Daniel Leonard revealed that incompatibility between the inductive and the deductive mind which split the old empire. The chapter largely devoted to Lord Camden suggests how badly we need a biography of that statesman. The chapter on the legal theories of James Wilson shows the connexion between pre-revolutionary discussions, the Federal Constitution of 1787, and the League of Nations. It was James Wilson who, more than any other publicist of the eighteenth century, grasped the germinal idea of federalism; and federalism, we cannot too often repeat, is America's greatest contribution to political theory.

Like most treatises on political theory, Dr. Adams's is written somewhat *in vacuo*, without consideration of the facts of the period (political beliefs and prejudices are facts), which rendered fruitless all attempts at reconciliation through formulae. The author agrees with Governor Bernard of Massachusetts Bay, that 'all the political evils in America arise from want of ascertaining the relations between Great Britain and the American Colonies'. He does not quote the rest of the letter, in which Bernard cites Ireland as a happy example of such ascertainment. The author scouts Burke's statement that the 'silly and wicked attempt to define' the colonial relationship 'had been the first and continued cause of their present disunion'. But was not Burke in the right? Every attempted definition by parliament, such as the Declaratory Act of 1766, gave Virginia no higher constitutional status than a petty borough. Every formula suggested by an American, or a British radical, presupposed the division by parliament of its sovereign authority. Such regulative powers over trade as parliament would be permitted to exercise would be of grace, and not of right. It is an idle dream to suppose that any parliament between 1641 and 1841 would have expressly renounced the imperial hegemony. And even after 1841 the Dominions have acquired self-government without any definite theory of their relationship being accepted by parliament.

That the American colonists were seeking the substance, and not the theory of autonomy, is shown by their ignoring the Declaratory Act of 1766, when the Stamp Act was repealed; and by the second subsidence of agitation, in 1770, when the Townshend duties were repealed. If the North ministry had not upset the balance in the colonial governments, by creating a civil list for royal governors and judges, the Boston tea-party would not have taken place; and if that momentous jettison had been ignored there would have been no armed rebellion in 1775. Doubtless the colonists would, sooner or later, have protested against parliament's regulating their trade. In that event, only fresh concessions could have prevented an armed struggle. It would have been a race between free-

trade ideas in England and the growth of commerce and manufactures in the colonies. Probably the latter would have won, for the Thirteen Colonies were more populous in 1775 than Canada sixty years later, or Australia a century later. After all, the lessons of liberalism are but slowly learned ; and the attitude of Lord Lyttelton in 1766, ' This is no question of expediency ; it is a question of sovereignty until the Americans submit to this Legislature ', is more frequent in the world to-day than the attitude of those Americans who attempted to weave new theories of government from the basic facts of their life.

S. E. MORISON.

*British History in the Nineteenth Century (1782-1901).* By GEORGE MACAULAY TREVELYAN. (London : Longmans, 1922.)

THE task of writing a good history of Britain from 1782 to 1901 within the compass of some 425 pages is arduous indeed. It needs not so much learning, though wide and accurate knowledge is no doubt essential, as sympathy, imagination, political judgement, and the rare faculty of being able to adjust in their relative proportions the political, industrial, military, scientific, and literary elements in the record of an era, and to estimate its material and moral achievements in one comprehensive survey. All these qualities are present in Mr. Trevelyan's work, and give it great distinction. He is helped by his vivid and attractive style, which recalls Macaulay's, though in Mr. Trevelyan's book the gift is most apparent in passages of a descriptive or pictorial character, such as sketches of the old English village, the open field, the high road, the army, the church, and is least apparent in pure narrative. Macaulay would have made much more of the Crimea and the Indian Mutiny, the Egyptian and South African wars ; much less of factories, rural economy, and enclosures. The whole volume comprises, in fact, rather a series of successive sketches than one continuous story, but this is hardly a blemish, because experience shows that the continuous story of any modern period is apt to be too exclusively parliamentary and political, while Mr. Trevelyan's treatment of his theme is wonderfully well-balanced, synthetic, and convincing.

The most meticulous critic will find little to cavil at with regard to the writer's precision. The account of Lord Fitzwilliam's viceroyalty in Ireland (p. 101) might perhaps be modified in the light of Mr. J. H. Rose's essay on the subject in his *Pitt and Napoleon*. Canning's influence on foreign policy down to 1822 was probably less marked than is here alleged. The statement on p. 368 as to the effects of judge-made law on the trade unions in the sixties seems to exaggerate the meaning of the actual decision in *Hornby v. Close*. These points are trifling. While making full allowance for Mr. Trevelyan's own personal sympathies, one is much more inclined to challenge his exalted estimates of Fox (p. 116) and of Gladstone (p. 409) ; his allotment of ' imagination and generosity ' to the liberal home rulers of 1886, rather than to their liberal-unionist opponents ; and his appreciation, probably unduly warm, of the Fabians on p. 403.

The wonderful thing, however, is not that he occasionally irritates a conservative by his preferences, but that the general tone and temper

of the book are so free from prejudice and partisanship. His fairness goes a long way to vindicate those who believe that recent English history and what is called 'civics' or 'civism' can be perfectly well taught without being coloured by party feeling. Thus Castlereagh, normally abhorred by Mr. Trevelyan's school of thought, is treated with justice and even admiration, while Wellington ceases to be the rather wooden figure of popular belief, and receives his full due. 'Wellington was a typical Tory. He wished England to be governed by her gentlemen, not by her generals. This attitude on his part did much to secure the peaceful development of our institutions in a new age with which he was in many respects out of sympathy' (p. 174). Moreover, Mr. Trevelyan's characterization is as clever as it is fair. For instance, he explains that while Pitt was thinking of winning a war indemnity for the tax-payer, Burke was always thinking of putting down the French Revolution.

This happy gift of insight prompts the suggestion that the anti-slavery movement is the first instance of agitation by popular propaganda ('the chief arteries of the life-blood of modern Britain'); the idea, surely as true as it is original, that one of the causes of the decline of self-consciousness and power among the dissenting bodies was the opening of Oxford and Cambridge to able dissenters who were thus swept into the general stream of national life; and the very sound ideas which are here expressed as to the nature of our long struggle with Napoleon. Akin to this gift is Mr. Trevelyan's power to illustrate by epigram and well-phrased contrasts. Of such are his allusion to the rival monuments of Nelson and the Duke of York (p. 87); his witty comment (p. 129) on our relatively small sacrifices in the French war ('no young lady of Miss Austen's acquaintance, waiting eagerly for the forthcoming volume of Scott or Byron, seems ever to have asked what Mr. Thorpe or Mr. Tom Bertram was doing during the Great War!'); his dictum (p. 214) that 'in the seventeenth century members of parliament quoted from the Bible; in the eighteenth and nineteenth centuries from the classics; in the twentieth century from nothing at all'. (This, by the way, is not quite true. Even in the last house of commons I have heard members quote Burke, Browning, Dickens, George Eliot, and *The Battle Hymn of the American Republic*.) With these we should collate the description of the German troops in 1870 as looming in contemporary English eyes in the rôle of 'genial giants with bushy beards, singing Luther's hymns round Christmas-trees in the trenches before Paris' (p. 363), rather than as pioneers of militarism.

The distinctive note of nineteenth-century life and thought in Britain was its substitution of the evolutionary for the static conception of the civilized state. Mr. Trevelyan says of Johnson and Burke that 'they thought that the world would remain what they and their fathers had known it', while reminding the reader in his picture of the prosperous and imperialist England of 1901, that 'in human affairs there is no permanent haven, and we are for ever setting out afresh across new and stormy seas'. The contrast is true. The nineteenth century felt a diminishing tolerance for 'the wisdom of our ancestors', and an ever-growing faith in the ascent of man. In the twentieth this faith has been dimmed by the realization that popular development is often superficial and civilization often skin-

deep. The most intellectual of nations may be guilty of the worst war crimes. The sudden reversion of great masses of people to barbarism in Russia and in southern Ireland challenges the whole Victorian theory of progress. Disillusion, however, does not detract from the main principle of Mr. Trevelyan's view of British history, that while the national character and temperament may remain fundamentally the same, the labours and problems with which men have to deal evolve rapidly and steadily; that none of their victories or defeats are permanent; that there are few factors in life, including even human nature itself, which are not the subjects of daily growth and change.

Mr. Trevelyan's book is intended primarily for the student and general reader; its aim is lucidity, not erudition; and its similarity in size and method to his *England under the Stuarts* suggests the possibility of our having at a future date a continuous popular history of Britain from his brilliant pen. It would be a national possession. **GERALD B. HURST.**

*La Mennais.* Par F. DUINE. (Paris : Garnier, 1922.)

THE subject of this volume is of interest to the students of theology, of French history and political philosophy, and of French literature. M. Duine describes his book as dealing with the life, ideas, and works of La Mennais. So no doubt it does; but it deals with them in different degrees of detail. Since his volume, written in collaboration with M. Mollien and published in 1899, M. Duine has published numerous articles dealing with various aspects of the subject, and the results of his studies are to some extent gathered together in the present volume. It shows that minute knowledge which might be expected. But, as the author points out in his preface, the series to which it belongs does not admit of notes, and, while the statements in the text are generally presented in a form which enables the reader to trace their source, some discussion of doubtful points has necessarily to be omitted. The arrangement in a large number of chapters, few of them long, goes some way towards overcoming this difficulty, as matters which would be irrelevant to the main current of the narrative in one place may fitly be dealt with elsewhere; and, if the author had been able to present a subject-index, in addition to the usual outlined analysis of the contents of the chapters, he might have shown that fewer details to which exception might be taken are left without justification than appears to be the case for the reader who is not assisted in this way. It has also to be remembered that the series professes to deal with literary history and criticism. This does not mean that questions of theology or philosophy are not relevant, but it probably does mean that they are secondary for this purpose. Consequently the student who is interested in La Mennais as a stylist, in his influence on other writers, his power as an epigrammatist or a satirist, the sources of his imagery, and other cognate questions, will find a great deal that is valuable stated clearly and with abundant illustration. The reader who wishes to know about La Mennais's life, his friendships, and the development of a character which often recalls that of Cicero in spite of the obvious differences, will also be attracted, both by the interesting way in which the material is presented and by the considerable amount of matter which is published

for the first time. This new matter often throws light on the thought and career of other important persons besides La Mennais : such is the case, for instance, with a letter written by Mazzini from London in 1841 and with much information about George Sand.

Those whose chief concern with La Mennais is as a thinker will find the volume very useful, but rather for the sidelight thrown upon the changes of his thought by external events than for the actual discussion of his writings. It is not that M. Duine's remarks on these topics are not eminently judicious and free from bias to an extent which, with an author who has been so often misunderstood both intentionally and unintentionally, is remarkable. But they do not occupy a large part of the book. M. Duine appears to assume that his readers will have read La Mennais's works for themselves. Certainly they ought to do so if they are to pass judgement on them, and no analysis of the contents of the works, however ably executed, could be a substitute for the works. Yet even a student who had read them might be considerably helped if he were allowed to hear what a critic, who knows his author so well as M. Duine knows La Mennais, regards as the chief points in each successive publication. The extracts from contemporary newspaper notices or reviews, though useful as showing what the public thought at the moment, are not necessarily the best guides for those who wish to interpret the underlying ideas. Many people think of La Mennais as of one who, aided by a remarkable gift of style, succeeded in creating a great reputation through presenting successively various ideas which were in each case imperfectly thought out. His positions appear to them to have nothing in common except the violence with which they are expressed. This view is superficial, and a supporter of it who reads this volume carefully ought to see that it is superficial. But he requires a fuller answer than he receives here. La Mennais's reputation has suffered from the fact that he was accepted in his lifetime with too little criticism, or rejected by his opponents with equally little. Possibly there may now be few, if any, who would accept his position as a whole or at any of its successive stages. But he was at least concerned to think out a real problem which has lost neither its importance nor its difficulty since his time. It would be of great value if M. Duine could be induced, out of the wealth of his knowledge of the writings of La Mennais, to develop his opinion on the course of the author's ideas in greater detail than the plan of this book has allowed him to include.

P. V. M. BENECKE.

*La Russie des Tsars pendant la Grande Guerre.* Par MAURICE PALÉOLOGUE.  
(Paris: Plon, 1922.)

M. PALÉOLOGUE is not only a distinguished diplomatist but also an accomplished author. A book, therefore, which could not fail to be interesting has the additional merit of a charming style. The diary comprised in the first two volumes covers the period from 20 July 1914 to 18 August 1916. Its form suggests that nothing has been subsequently added to the daily impressions of the writer; its frankness, that not much, at most, has been omitted for publication. The diary opens with an account of the

meeting between the czar and M. Poincaré, and shows clearly how anxious both parties were to achieve at this moment their great desire of transforming the 'Entente' with Great Britain into an alliance. Not much fresh light is thrown on the negotiations which immediately preceded the outbreak of war. M. Paléologue allows it to be seen that he feared a precipitation of events by the military party—his distrust of Soukhomlinow is throughout very marked—and endeavoured to make it impossible by engaging Sazonow, on 28 July, 'dès maintenant, à accepter toutes les procédures que la France et l'Angleterre vous proposeront pour sauvegarder la paix'. He also acquits Pourtalès of being in the confidence of his government. The German Foreign Office evidently desired instruments rather than accomplices at the entente courts.

The popularity of the war at its outbreak is not unquestioned by M. Paléologue, who remarks that the Serbian national anthem was received with little applause, as Serbia was considered responsible for its outbreak. He notes the following interesting information on 3 August: 'Les chefs du parti Socialiste ont prêché, dans toutes les usines, la résignation au devoir militaire; ils sont d'ailleurs convaincus que cette guerre aboutira au triomphe du prolétariat.' The spirit of Russia appears to have been at its best during the earlier reverses of 1915 (compare the entry for 6 June: 'Sazonow, radieux, me dit ce matin, "Voilà le vrai peuple russe! Nous allons assister à un magnifique réveil du sentiment national."') The assumption of the supreme command by the czar in September produced on the contrary the worst possible impression. The people believed that the influence of Rasputin, about whom the author is throughout very well informed, would be increased, and that the czar was unlucky. The czar regarded it himself as a mystical duty, saying, 'Peut-être faut-il une victime expiatoire pour sauver la Russie. Je serai cette victime.' This Oriental fatalism, which led him to regard with the gravest significance the coincidence of his birthday with the festival of the patriarch Job, is considered by the author to be the explanation of his entire policy (see in particular i. 95-7). Such being the case, the incomparable value of Sazonow to the alliance is evident. His overthrow in July 1916, through the influence of the empress and Rasputin, was an irremediable disaster.

M. Paléologue makes the interesting suggestion that the orientalism of educated Russians was intensified by the war, as they were prevented from paying their usual visits to western Europe; and that the progressive decay of organizing power was thereby rendered inevitable; while the common people suffered from the prohibition of vodka: 'mal nourri, privé de son stimulant habituel, le peuple russe est de plus en plus sensible aux émotions dépressives.'

The diary sheds some curious light on the relations of Russia with Bulgaria and Rumania. Though Sazonow was convinced by the beginning of 1915 that Bulgaria would join the Central Powers, he supported the refusal of Great Britain and France to allow Serbia to attack Bulgaria on the mobilization by the latter in September 1915. Such an action he considered would produce a bad effect on Russian public opinion. With regard to Rumania, the Russians never attached much value to her

intervention, though they offered the ethnographical frontier in Transylvania and Bukowina with a territorial guarantee as early as 6 August 1914. The chief difficulty which met the French in their constant attempts to arrange a settlement between Russia and Rumania was not territorial but purely military. The Rumanians, far from neglecting their Dobrudja flank, insisted not only that a Russian army should appear there, but that it should secure the line Varna-Rustchuk, which Alexeiew opposed absolutely on strategical grounds. The sudden abandonment of this demand in July 1916, combined with a refusal to operate at all in the Dobrudja, can only, as M. Paléologue suggests, be explained by secret conversations between Bucharest and Sofia. The subject is very obscure, but the result was fatal to Rumanian strategy.

C. R. CRUTTWELL.

*A History of the Arabs in the Sudan, and some Account of the People who preceded them and of the Tribes inhabiting Darfur.* By H. A. MACMICHAEL, D.S.O., Sudan Political Service. 2 vols. (Cambridge: University Press, 1922.)

THE history of the Sudan has hitherto been exceedingly obscure owing to the fact that it has rarely emerged from the status of a *Hinterland*, known from casual references rather than from treatises wherein it constitutes the main theme. Mr. Macmichael's work, which floods this topic with light, is therefore sure of a welcome, and admiration will generally be felt for the thoroughness with which he has utilized both indigenous and European sources of information, and the ability which he has displayed in conducting numerous lines of inquiry. His volumes form a mine of information for the student of the geography, the history, the anthropology, and the linguistics of Africa.

The second volume contains a description of thirty-two native manuscripts with summaries of their contents. They remind the reader of the beginnings of Greek historical writing, consisting chiefly of genealogies, whose purpose is to trace the connexion between the Arabs of the modern Sudan and the tribes which figure in the early records of Islam. Now a rule which appears to have few exceptions is that pedigrees are a luxury of the wealthy and powerful; before men have attained wealth or power and after they have lost them they trouble little about their genealogies. When the father of that Othman after whom the Ottoman Empire is called first appears in history, in the Chronicle of the Seljuks of Asia Minor, even his father's name is unrecorded; but the official chronicle of the Ottoman Sultans is able to name all his distinguished ancestors up to Japhet. The various persons who attained distinction among the Moslems of the Sudan could probably name their ancestors for one or two generations; being usually associated with some tribe they would know the name of one somewhat remote ancestor; but for most of the links between that ancestor and themselves research would give no assistance. Imagination, whether their own or that of professional genealogists, was the only available source.

Now the genealogists of early Islam were not very differently situated in this matter from the modern Sudanese; they had certain tribal names

and could name the fathers of various distinguished men ; besides these they had the statements of the Book of Genesis. The genealogist had then in the first place to establish links connecting his contemporaries with the persons after whom the tribes were thought to have been called ; in the second to establish some sort of grouping between the tribes ; and in the third to find links connecting the tribal eponyms with the personages whom the Book of Genesis brings into connexion with Arabia. Some of the results of this process appear in the sentence with which Mr. Macmichael starts his own account of the Arab immigrations into the Sudan : ' At the time of the rise of the Prophet Mohammed the tribes of Arabia were considered to fall into two main groups, the one descended from *Ḳaḥṭān* (Joctan) the son of 'Ābir, and the other from his brother *Fālig*, the Biblical Peleg, in whose days the earth was divided.' Now we really know a good deal about the tribes of Arabia at the time of the rise of Islam, and that good deal by no means bears this statement out. The inscriptions confirm in an extraordinary way what the Greek observers record ; they familiarize us with a variety of kingdoms and tribes ; but of this fundamental division they seem to be quite ignorant. There is really no doubt that Ishmael, to whom (Mr. Macmichael adds) the second of the groups traced their descent through 'Adnān, was first known through Islam ; for the Islamic form of the name must have come from the Greek or the Syriac, since the personal name *Yasma'il* is found correctly written in the inscriptions. Of the other names 'Ābir and *Fālig* quite certainly come from the Old Testament ; the name *Ḳaḥṭān* may conceivably be a travesty of the Biblical Joctan, about which Glaser, who knew the inscriptions better than any one else, makes wild guesses ; most likely it is a Hebrew word (*Yiqṭan*), and means nothing more than ' Younger brother '. So far as the inscriptions indicate any fundamental division, it is between Bedouin and townsmen.

Instead, therefore, of the words ' At the time of the rise of the Prophet Mohammed ' it would be more correct to say ' When owing to the triumph of Islam the Old Testament was consulted about the origins of the Arabs '. The statements which follow seem to be largely based on the work of Causin de Perceval, who is not to be blamed for treating the results of the Islamic genealogists with more respect than would now be thought justifiable. That there were theories even before the rise of Islam of the interrelation of the tribes, and that these involved certain groupings, may be admitted ; but it is likely that these shifted with political considerations, and that relationships could easily be discovered when alliances for the purpose of raiding or self-defence were desired. The statements, however, on p. 132 of Mr. Macmichael's first volume seem to be pre-critical in any case, and some of them deserving of a stronger expression. He informs us that the tribe *Kuraish* contained among others the *Beni Makhzum*, the *Beni 'Abbas*, and the *Beni Ommayya*. But surely the *Beni 'Abbas* mean the descendants of the Prophet's uncle, and these ought not to be co-ordinated with tribes which already figure in the Prophet's biography.

To what extent the tribes whose immigrations are recorded represent ethnological unities cannot easily be determined. Admission of strangers into tribes seems to have been attended with little difficulty, and it is

likely that when migrations were carried out it was particularly easy. Further, when Moslems settled in pagan countries, and converted the inhabitants, it is probable that the neophytes took pains to discover that they belonged to Arab tribes. It is said that in certain parts of the Moslem world the English are held to be a branch of the Kuraish. When, therefore, Mr. Macmichael asserts that the alleged Yemenite origin of the powerful Ṣanhāga and Ketāma branches of Berber is probably authentic, many of us will find this judgement surprising. The arguments whereby it could be rendered plausible resemble those whereby it is shown that the English are the lost Ten Tribes.

These criticisms extend to a very small portion of Mr. Macmichael's work, which throughout displays laudable industry and marks an epoch in the study of African Islam. The first part, which deals with the indigenous races who inhabited the Northern Sudan before the Islamic invasions, is peculiarly rich in ethnological and anthropological material.

D. S. MARGOLIOUTH.

*A History of Northumberland.* Vol. XI. By KENNETH H. VICKERS, M.A. (Newcastle-upon-Tyne, 1922.)

THE appearance of this volume—the first since the war—will be welcomed with enthusiasm by all students of county history and of English institutions. The editor has fully justified his appointment in succession to Dr. Craster; and it is to be hoped that in spite of his impending removal to Southampton he may be able to continue his work for the Northumbrian committee. He has had the continued support of a body of local antiquarians (such as Dr. Dendy, Mr. Hamilton Thompson, Mr. R. Blair, Mr. C. H. Hunter Blair, Mr. J. Crawford Hodgson, and Mr. H. M. Wood), which could hardly be matched elsewhere, and he acknowledges the help derived from the deed-calendaring of Dr. Craster and the architectural descriptions and plans of Mr. W. H. Knowles. The resulting volume can be compared in its unity and diversity to the great county histories of a hundred years ago, some of which depended quite as largely on the contributions of subordinates. There are numerous figures of great merit, some charming plates from photographs, and a fine frontispiece in colour (Etal Castle by Thomas Girtin) which is partly a gift to the volume.

The major part of Glendale with about forty-five square miles of the Cheviots (including the top of the Great Cheviot and half Hedgehope Hill) contains the five parishes of Carham, Branxton (one of the smallest in the county), Kirknewton (one of the largest), Wooler (i. e. the two old townships), and Ford. It is drained by the Bowmont Water, continued by the Glen, until that stream falls into the Till, and is partly bounded by the Tweed. The height above the sea rises from fifty-four feet near Wark, to 2,676 feet on the Cheviot. It is partly a fertile agricultural area and partly a heather and marsh-covered waste. It was nominally defended from Scottish raids by the castles and towers of Wark, Howtel, Coupland, Akeld, Ford, and Etal. Its ecclesiastical history is scanty, as its church lands were mostly appropriated to the unimportant priory of Kirkham; and its one historical event was the battle called of Flodden Field but fought on

Branxton Hill. With the exception of Ford Castle, which is clearly described with interesting views and plans, the architectural remains are unimportant, and even the best of the old cottages such as Ford Forge fare better in the small drawings than we should expect. But the tracing of the descents of the townships and manors, which is the characteristic feature of the work, soon brings on the stage a medley of important families and not a few historic personages. Among the pedigrees are those of Roos and Manners, Grey of Wark, Ogle, Strother, Muschamp, Selby, Coupland, Heron, and Carr; and the exploits, mostly lawless, of John Carr of Wark, Thomas Forster, John Coupland, Sir John Arundel, Sir William Heron, and the Greys, add plenty of human interest to the ownership of the lands. Each parish makes some special contribution to the general picture. The history of Wark Castle in Carham shows the vicissitudes of such an outpost, and the foray of Piperdean 'obviously inspired the setting for the Battle of Chevy Chase'. The fourteen townships of Kirknewton furnish numerous illustrations of the petty litigation which recalls the Athenian courts. Under Wooler are found some lively instances of ecclesiastical discipline, and of border feuds (Storey and Ker of Cessford). At Ford there was 'Dow Dancing' and 'Nutcrock Night', with other curious customs (p. 348); the rectory after centuries of litigation became 'most eligible'; and the Carr family provides murders, feuds, and a most unscrupulous stepmother (p. 398). The prominent place assigned to the devolution of the properties is now more than ever justified by the sentences with which so many of the sections conclude. The ownership of the country-side is far less hereditary than is often assumed; and again and again there has been alienation by sale during or since the war (pp. 76, 83, 163, 176, 189, &c.). On the other hand, considerable estates have been formed in modern times by or for Lord Joicey and the Hon. F. W. Lambton. The general reader would have liked more of the customary extracts from parish registers, but perhaps there is nothing worth special notice. There are a few misprints to be added to the *errata*, but nothing that deserves mention except 1439 for 1539 on p. 16, and Fitz-Jues for (?) Fitz-Ives on p. 197.

H. E. D. BLAKISTON.

*The Records of St. Bartholomew's Priory and of the Church and Parish of St. Bartholomew the Great, West Smithfield.* By E. A. WEBB, F.S.A.  
2 vols. (London: Milford, 1921.)

THE author of these handsome volumes has devoted much of his life to the service of the church and parish of which he is the chronicler, and has been untiring in his investigation of their history. The fruit of his research is produced with commendable modesty, as 'an honest endeavour to put into print all that is known about' St. Bartholomew's, without any special claims to historical scholarship or literary skill. His point of view is that of the antiquary rather than the historian, and his elaborate attention to detail involves some loss of perspective. This, however, is his chosen method; and, if much that he records is of little importance to the student of history in its wider aspects, the specialist in the topography of London will find abundance of interesting material in his comments upon the mass

of documents which he has examined. Mr. Webb tells us that, in compiling his work, he has kept in mind the reader who, while desirous to learn, has little knowledge of the matters with which he deals. It is much to the advantage of those for whom he writes that he himself is punctiliously careful to read his documents in the light of the circumstances for which they were composed, and to hazard no theories incompatible with their meaning and purpose. He has sought and found help from many competent authorities to whom he renders due acknowledgement; and their advice has been weighed by him with accurate judgement. His conscientious and business-like attitude to his records provides an excellent example to those who undertake the arduous task of collecting full material for a parochial history.

The history of St. Bartholomew and its property occupies the first volume of the work, while the second is devoted to the architectural history of the church and the post-suppression annals of the parish. It must be confessed that the splendid fragment of the priory church which remains, shorn of its nave, of the chapels which flanked the apse, and of the fifteenth-century parish chapel on its north side, is superior in interest to most of the persons and events associated with it. When the legends relating to its founder and first prior have been dismissed, there is little to be said of him; and his beautiful tomb was raised at a period long after his death. Singularly little is known of the internal history of the priory: allusions to its individual members are fairly plentiful, but the episcopal registers of London throw little light upon their life and conduct. The only set of episcopal injunctions to its members on record is that issued by Archbishop Winchelsey in 1303. The one outstanding name among the priors of the monastery is that of William Bolton, whose fame is due to his position as clerk of the works of Henry VII's chapel at Westminster. After the suppression of the house and its temporary revival as a Dominican establishment in the reign of Mary, the chief events which call for notice are the demolition and dismemberment of the church and conventual buildings, and the work of restoration which has taken place in our own day.

Nevertheless, Mr. Webb shows how much may be reconstructed by a patient and accurate worker from scattered sources and casual references. Such a task, when it is once fairly attacked, becomes the occupation of a lifetime; and not even Mr. Webb has exhausted all the available material. Thus the account of the election of John Watford as prior in August 1404, which took place six days before the death of Bishop Braybroke, appears to have been left unrecorded in the London registers during the vacancy of the see; and it is probable that very few persons have noticed that the only record of the proceedings, which is of value as containing the names of the eighteen canons who took part in them, is in a contemporary book of precedents and miscellaneous documents which came into the possession of Bishop Jeune and is now in the diocesan registry at Peterborough. The career of Braybroke's successor in the see of London, the ex-archbishop Roger Walden, who has a special connexion with St. Bartholomew's, is worked out at length by Mr. Webb, with the remark that the date of his tenure of a prebend in Exeter Cathedral is not known. As a matter of fact, the printed registers of the bishops of Exeter record

the dates of his admission and resignation. Oversights of this kind are almost inevitable, where so many details are in question; and it would doubtless be possible to discover others. For the thoroughness and devotion, however, with which Mr. Webb has discharged his work, he deserves high praise. His copious appendixes of documents, including the middle-English version of the *Liber Fundationis*, rentals and surveys of property, charters, deeds, abstracts of wills, vestry minutes, and architects' reports, are printed with painstaking exactness; and the excellent and numerous illustrations and plans of the church and its buildings in their various stages give the book a special value to the architectural antiquary.

A. HAMILTON THOMPSON.

*The Red Register of King's Lynn.* Transcribed by R. F. ISAACSON. Edited by HOLCOMBE INGLEBY. Vol. ii (King's Lynn: Thew, s. a.).

MR. INGLEBY has not kept us waiting long for the concluding volume of this very important town record, the first of which was noticed in this Review some two years ago.<sup>1</sup> The so-called 'Great Town Book', for it has only borne its present name since a rebinding two centuries ago and contains a reference to a contemporary *liber rubeus* now lost, was possibly begun about the end of the thirteenth century, or a little later, as a register of deeds and wills mainly, but from 1342 or thereabouts the end of the book was used for a record of town business, entries into the liberty, elections of officers and councillors, ordinances, and so forth. To leave sufficient space for continuing the register of deeds and wills, the minutes were started close to the end of the volume, and when that was reached, or nearly so, the clerk went back a certain number of folios from the starting-point, and when he came to that repeated the process further back still. This crablike progression is not very favourable to easy study of the minutes even in print. The first record headed by an election of officers, for instance, comes on p. 181 under date 1345 (fo. 176 *d* of the manuscript), that of 1391-2 begins on p. 54, finds progress barred by the record of 1356 on p. 56, and is continued on p. 1 (fo. 115 *d*). As fo. 115 *d* is the back of the last membrane on which a will (dated 1378) is entered, the book was filled as soon as the clerk (in 1395) reached the record of the years 1384 onwards on p. 15 (fo. 121).

The great value of these minutes to the historian of municipal growth is that, save for four years in the early part of the period, they record the election and the names of the mayor's sworn councillors from 1345 to 1395. So full and continuous a record at that date is rare, if not unique. In the case of the 24 *iurati* of Leicester we only know that they were elected 'by the counsel of the (Merchant) Gild' in the thirteenth century, after which they seem to have become a close body. The names of the corresponding twenty-four at Norwich are only preserved to us for the years 1344-7, unless they were identical with the twenty-four who appear in 1365 and some later years as electors of the bailiffs, a supposition discouraged by Mr. Hudson. The former were chosen 'by the whole community', and both taken in proportion from the four leets of the city. At Ipswich, if not

<sup>1</sup> *Ante*, xxxv. 451.

at Norwich, the twenty-four electors acted as a council along with the bailiffs. They were chosen in 1372 by the outgoing bailiffs, from the number of those who had never been bailiffs, with the consent of the community, but four years later four men of the four wards were elected to choose twenty other persons to form with themselves the four and twenty. There are apparently no lists of them dating from the fourteenth century.

Lynn shows variations both from all these and in its own internal procedure. The earliest mention of the twenty-four (in 1322, vol. i, p. 64) merely states that they were elected by the community *ad consulendum cum maiore quociens opus et necesse fuerit pro communitate*, but from 1346 they appear as chosen in whole or part by the sworn inquest of twelve which had previously elected the mayor and other officers for the new official year. It is not known how the inquest was appointed, but, unlike the twenty-four, it never varied in number nor showed any tendency to split into two bodies. The twenty-four were no doubt originally elected as a single body of councillors. This was apparently the case in 1322, and certainly in twelve of the years between 1346 and 1395. But the official element represented by the alderman of the Trinity (merchant) gild, who almost invariably heads the list, the ex-mayors, and an ex-chamberlain or two must early have induced a tendency to divide into a higher and a lower twelve. Possibly this was intended from the first. Whether by accident or design, the Lynn council had all the weight that official experience could give and stood in strong contrast to that of Ipswich, from which ex-bailiffs were carefully excluded, no doubt because it elected the new bailiffs. The advantage of special inquests (on which the council was represented) not only for elections but for the appointment of burgesses for parliament, the assessment of local taxation, the appointment of collectors of royal taxes, and the supervision of the town property was fully understood at Lynn. The admission of the *mediocres*, if not the *inferiores*, to some of these committees must have made things easier for the rule of the *potentiores*.

When in 1347 the inquest is recorded to have elected twelve *consules* only, including ten of the twenty-four of the previous year and the ex-mayor, one wonders whether this and similar cases from 1353 to 1357 mark attempts of the official ring to keep the council to themselves, or whether, though it is not so stated, their number was brought up to twenty-four, as it often was afterwards, by the addition of the inquest itself. This method was itself susceptible of variations. In the years 1358-61 and in 1374 it is distinctly stated that the inquest elected twelve (the official twelve), who on being sworn elected the twelve of the inquest *ad standum cum eis in consules*. But in other cases, including the first recorded (1350) and the whole period 1375-92, the wording is consistent with self-appointment by the inquest. Perhaps, however, from 1375 the addition of the inquest was automatic in accordance with the ordinance referred to under 1378 and later. A curious further variation tried for two years (1370-1) added the four new chamberlains as well as the inquest to the superior twelve.<sup>1</sup>

<sup>1</sup> There is the further complication that this 'twelve' occasionally fell as low as seven or rose to as many as sixteen.

The last experiment recorded was begun in 1393, when the inquest appointed the *magna iurata* of the year before (with a reference to a previous folio for their names) to be councillors for the current year. After a relapse in the next year to the oldest system of a solid twenty-four (actually twenty-two) *ad hoc*, the new expedient was again tried in 1395 with a reference to the same list, probably as it stands after the cancelling of many of its members in favour of others whose names are inserted.

The editor has missed the point of this device by identifying the *magna iurata* with the *consules* from the first (vol. i, p. xvi). They were both, indeed, bodies of twenty-four, and when the 'great jury' is recorded a large proportion of its members are found among the councillors of the same year. But the two twenty-fours are never quite identical in composition. The 'great jury', of which the mayor was a member, was appointed apparently at irregular intervals, to 'make a view' of the lands belonging to the community within the liberty, and a carpenter with a mason or a tiler was always included in or associated with it. The method of its appointment, like that of the election inquest, is never disclosed.

The local historian may perhaps be able to synchronize some of the variations in the mode of selecting the mayor's councillors with phases of civic politics in Lynn. It may not be without significance that the time when a municipal ordinance (unfortunately not entered in the Red Register) seems to have ordered the regular inclusion of the election inquest in the mayor's council nearly coincides with a distinct change in the arrangement and wording of the minutes. In 1374 the '*communitas*', which has appeared but sparingly in earlier years, begins to figure prominently on almost every page. From March in that year its meetings have for the first time a regular heading: '*Communitas congregata in aula gilde die*,' &c., or the like. Only a year earlier there was started the occasional practice of giving a more or less complete list of the burgesses present, when important decisions were made. In more than one case over a hundred names are recorded. The bailiff or serjeant, who (with the clerk) had once been described as the mayor's officer, appears in September 1374 as '*ballivus communitatis*'. The clerk is called '*clericus maioris et communitatis*'. The proceedings in 1375-6 against several prominent citizens, one of whom was expelled for a time, for disobedience to the mayor, &c., may have had a party meaning. These indications must not, however, be pressed too hard, for the minutes were being recorded in 1374-5, and perhaps in the preceding year by a new town clerk, whose career shows him to have been a man of some character.

The connexion of the merchant gild with the government of the town was close, but by no means so intimate as at Leicester. In the case of Leicester, the alderman of the gild became the mayor of the town and the mayor's council was elected by the gild until it ceased to be elected at all. At Lynn the Trinity gild had an entirely separate organization with *scabini*. The connecting link was its head, the alderman, who was a permanent member of the mayor's council (though re-elected annually) and of the *magna iurata*, of which he was probably the president, as his name generally stands first. By 1382 the official designation of the corporation seems to have been 'mayor, alderman, and burgesses' (p. 161). A meeting

in December 1379, which is headed 'Congregacio maioris, aldermanni et aliorum' (p. 151), was perhaps such a meeting of the mayor and his twenty-four counsellors as is only once distinctly recorded, and, as it happens, in the preceding month (p. 148). It was about the same time that ordinances were passed imposing fines on burgesses in the assembly of the community who refused to change their seats at the request of the mayor or persisted in talking after he had called for silence.

The procedure when coroners had to be appointed is of some interest. A royal mandate to the sheriff ordered him to have a coroner (or coroners) elected in the county court. Instead of doing so he forwarded it to the steward of the bishop of Norwich as lord of Lynn, who delivered it to the mayor, who 'in accordance with the usage of the town' had a coroner elected in the assembly by the oath of twelve men (p. 122).

There are a number of references to presentations and amercements in the leet of the town, and an ordinance of 1378 suppressed feasting thereat, which had been a great expense to the mayor and community. Some old fees to the chief pledges were excepted. The eighteen chief pledges, two for each of the nine *constabulariae* or wards into which the town was divided, were elected in the assembly. So, too, were the constables who gave their names to their wards. The view of frankpledge belonged to the bishop as lord of the town, but was leased to the mayor and community. An 'increment of the leet' amounting to nearly £18 is casually noted in 1376.

The town budget was annually submitted to the assembly, which authorized a levy ranging from £80 to £300. The maximum was reached in 1378, and an attempt was made to throw a greater part of the burden on non-burgesses (p. 137).

It is impossible within the limits of a review to call attention to all the points of interest in these minutes. Their great merit is that they offer to the historian of municipal institutions a continuous record of the official proceedings of an important English borough for fifty years during the fourteenth century. The editor and translator deserve our gratitude for so valuable an addition to the printed materials for burghal history. Occasional slips in the text and a few passages which do not seem to construe are to be expected in the transcription of a long and in part difficult and mutilated manuscript. The [*Ple*]gii *iurati* on the first page, if correctly copied, seems to be a mistake of the clerk for *magna iurata*. In the lists of officers elected there constantly appears a *bedemannus*, and for many years a Thomas (le) Bedeman, occupying that position, whose true capacity is shown by the single case where his name is spelt Bellman, as well as by the expressions used occasionally 'in officium le Belman' and 'in custodem campane'.

JAMES TAIT.

*The History of the Worshipful Company of Drapers.* By the Rev. A. H. JOHNSON. Vols. iii, iv, v. (Oxford: Clarendon Press, 1922.)

IN two fine volumes and an index volume Mr. Johnson has completed his history of the Drapers, of which the two earlier volumes were noticed here in 1915. Vol. iii is a narrative: vol. iv contains over 600 pages of appen-

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dixes and documents. By the beginning of the seventeenth century, where vol. iii takes up the story, 'by far the larger proportion of members were no longer even remotely connected with the "mystery of Drapery" (ii. 93) and, 'generally speaking, the Company . . . had by the close of the seventeenth century assumed its modern form' (iii. 345): consequently the narrative is bound to lack cohesion, except in so far as it deals with the fortunes of a certain great body of endowment and the antiquities of an existing corporation. It can have none of the unity of a trade history; for the drapers throughout are men of all trades and stations.

As the Company stood for no trade it could have no policy, not even a commercial policy. Mr. Johnson admits his disappointment (iii. 115) at the very meagre additions to our knowledge of the attitude of the city to the Crown under Charles I which these records furnish. 'The Company . . . had become a motley assembly of all sorts and conditions of men; and any raising of these questions would have divided the society into hostile factions. They were, moreover, becoming more and more a friendly society'—and a friendly society, like an insurance society, has no politics, and only one maxim, *quieta non movere*.

None of this must be taken to mean that the volumes are not crowded with material, economic, social, and political. Only it is miscellaneous material, an imperfect reflexion of the motley activities of these men of all sorts who managed a valuable property. There is not much corporate spirit. When pageants have to be paid for, men are received into the livery at a price, and those who refuse to be received are fined: others compound to be free of corporate duties: and the fees of bachelors make up the balance (iii. 12). Though not a corporation of drapers, and though lacking in corporate spirit, the Company still nominally managed drapers' affairs. The right of search was retained in the charter of 1607, probably an anachronism, for the Company had got out of touch with the ordinary freemen and yeomen. This is not surprising, for in 1617 they numbered 2,106 (iii. 88). Not five per cent. of the freemen, a few years later, were in any way connected with the woollen drapers' trade (iii. 93), so that search died naturally. The yeomanry, as a separate organization—an organization born late in the fifteenth century—died out between 1650 and 1660. It had been filled mainly with small shopkeepers—tailors, hosiers, silkmen, drapers and such—and its disappearance has no industrial significance. Nor did it 'seriously deter people from entering the freedom' (iii. 236): the Worshipful Company was a first-rate friendly society and by pursuing an inconspicuous policy it kept its security good.

A remnant of its earlier activities—the payment of 'corn money' for the maintenance of an emergency reserve of food in London—lingered till about 1680 (iii. 289). Its granary on the Bridge House escaped the Fire which burnt out so many other Companies' food warehouses; but in 1673 the corn in the granary was spoiling, and after some discussion in 1679 it is heard of no more. The feeding of the town had at length been organized well enough by private initiative to render a 'socialized' bread corn reserve superfluous: yet another evidence of the 'modernity' of the Restoration age.

As controllers of capital, though not as drapers, individual drapers and

the Company itself mix in numerous economic movements of the century : they subscribe to the Virginia Company and of course they help to settle Ulster. A considerable part of vols. iii and iv is devoted to the fortunes of the Ulster estates, which by 1900 were almost all sold. Nearly 200 pages of documents in vol. iv will be of the first value to Irish economic historians. Charity and the endowment of education absorb the Drapers' spare revenues. They are begged to endow fellowships at Emmanuel College in 1638 (iii. 189), but do not : in 1654 they give £150 to repair Pembroke Hall, Cambridge (iii. 248) : they sell annuities on favourable terms to decayed citizens. Mr. Johnson notes that the terms were ' somewhat better than would at that time have been offered by an ordinary Insurance Company ' (iii. 180), which suggests some misconception of the history of insurance, since the date is 1645. They keep a school and an almshouse at Stratford-at-Bowe ; another at Barton, where, in 1630, the master, one Anthony Huxley, had neglected his teaching and had ' taken to ministry and somewhat to husbandry '.

The Company's troubles about this time with that interesting organization, the Tackle House Porters (iii. 190-1 and iv. 374, the 1676 Rules of the Porters), should be read in conjunction with the ballad on a London Porters' Society recently published in Dr. Rollins's *Pepysian Garland*.

The records have no figures for the plague (iii. 273), but we know exactly what the Company lost by the Fire (iii. 275, 294). The new hall was designed by Edward Jarman, ' one of the surveyors appointed by the city authorities ' , and carried out by a man described as his head mason (iii. 286), a useful line for the still unwritten history of architect, builder, and contractor.

By 1687 the numbers of the Company had fallen to 1118. During the eighteenth century its history becomes exceedingly barren and Mr. Johnson wisely disposes of the century in twenty-nine pages. He cannot even give the size of the Company, so loosely were its freemen united to it. ' Of any special interest in the cloth trade . . . and indeed in any matter directly concerned with the trades or industries of London, I have not found one single instance in the records of the Company ' from 1688 to 1815, he says (iii. 345-6). It is pleasant to find the Company tolerant enough in 1822 to grant annuities to numerous Roman Catholic priests and to one Presbyterian minister on its Irish estates (iii. 391). The very full account of the management of those estates is, on the whole, creditable to the Company ; though the print of Drapers' Town as it was in 1827 is not attractive. The final chapter on the internal history of the Company since 1688 hardly concerns the general historian.

Among the many appendixes perhaps the most interesting are x, summaries of the occupations of members under Elizabeth and James I ; xix, the members assessed for the Poll Tax of 1641 ; xxv, some seventeenth-century admission lists with notices of the record of entry, apprenticeship, patrimony, redemption, or translation ; xxxvii, the rules of the Tackle House Porters ; xlviii, the commercial correspondence of a draper, Thos. Hardwicke, and his son, 1682-1704 ; and the Irish appendixes, especially lv, the Attorney-General v. Irish Society and the Companies, 1635, and lvi, the judgement of the Star Chamber declaring the Irish estates forfeited,

28 February, 1634-5. Mr. Johnson is to be congratulated most warmly on the completion of this heavy and valuable piece of work.

J. H. CLAPHAM.

*Alumni Cantabrigienses.* Compiled by JOHN VENN, Sc.D., F.R.S., and J. A. VENN. Part I, *From the Earliest Times to 1751.* Volume I, *Abbas—Cutts.* (Cambridge: University Press, 1922.)

THE preface to this monumental work informs us that Part I (extending to 1751) is already complete in four volumes, containing about 76,000 names, and that Part II, which is in progress, will contain about 60,000 names of men who matriculated between 1752 and 1900. These figures give some idea of the magnitude of the task to which the editors have committed themselves. But the difficulty on which they lay chief stress is that presented by the deficiencies of the university records. Before 1454 there are no lists of matriculations or degrees. The Grace Books, which form a continuous series from that year to the present time, record degrees, but can be shown, from internal evidence, to have been negligently kept. From 1491 onwards the annual list of precedence, the 'Ordo Senioritatis', can be used to supplement the Grace Books. But matriculations were not regularly recorded by the university until 1544, and for more than a century after that date there were men in residence—especially fellow-commoners—who had not matriculated. None of the university records supply the details of parentage, birthplace, early education, which are one of the chief features of the new work. These have been chiefly obtained from the registers of the sixteen colleges; and only four of the sixteen have published annotated editions of their registers. The later history of many individuals has been elucidated by reference to the episcopal registers of certain dioceses, a fruitful but unhappily an expensive source of information. The editors complain that, owing to the fees charged for consulting these registers, it has been impossible to make an exhaustive search. But the results of a partial search have shown that a number of candidates for ordination, whose names do not appear in the university or college records, had nevertheless satisfied their bishops that they had resided at Cambridge and had either taken a degree or qualified for it. Another source of information respecting beneficed clergy is the series of First-Fruit Books at the Public Record Office. The importance of the registers and the First-Fruit Books may be measured by the editorial statement that 'during the seventeenth century the odds are almost ten to one that a man who had proceeded to the M.A. degree either had taken, or eventually did take, holy orders'. But the admission-books of the Inns of Court are useful as a clue to the later careers of a minority of Cambridge men who were called either with a view to becoming barristers or to qualify themselves for the office of justice of the peace; and the editors, not content with the available editions of these books, have also consulted those which still remain in manuscript.

By way of testing the value of the work for historical purposes, we have gone through the letter A to see what additional light is thrown upon the lives of men who are noticed in the *Dictionary of National Biography*.

As might be expected, the new information usually relates to the parentage, education, and university career of men of relatively obscure origin, whose reputation was made late in life. It seems to be the exception to find much that is new about a politician of any standing; but the lives of theologians, lawyers, men of letters, and civil servants can often be supplemented from these pages. The value of the new information may be illustrated from three particular cases.

(1) *Thomas Alfield* (1552–85) was one of the seminary priests who suffered under Elizabeth. The *Dictionary* is unable to give the date of his birth and says of his early life: ‘a native of Gloucestershire, was educated at Eton, and sent thence in 1568 to a fellowship (*sic*) at King’s College, Cambridge. He was afterwards reconciled to the Catholic church and went over to the English college at Rheims, where he was ordained priest in 1581.’ From the *Alumni* we learn that the father of Thomas Alfield was born at Eton, a scholar of Eton College, a scholar and fellow of King’s, and subsequently an assistant master at Eton and master of Gloucester School. Thomas Alfield was born at Gloucester in 1552, became a scholar of Eton, entered King’s as a scholar in 1568, took his B.A. in 1572/3, was a fellow of King’s 1571–5, but never proceeded to his M.A. He made his appearance at the English College in Douay on 8 September 1576. He returned to England in 1580, but went to France to be ordained in the following year. He was ordained in the diocese of Chalon on 4 March 1581.

(2) *Robert Anton*, the author of a volume of poetical satires entitled *Vices Anatomie Scourged* (1616) and of the prose tract *Moriomachia* (1613), known to the historians of Elizabethan literature for his references to Beaumont, Spenser, Jonson, Chapman, and Daniel, is shown by the *Alumni* to have been born in 1574 or 1575 in London, and to have matriculated from Magdalene in Easter term, 1606. He is said to have been the son of George Anton, recorder of Lincoln; and Dr. Venn notes that George Anton, a fellow of King’s, was admitted at Lincoln’s Inn on 5 March 1575. Robert Anton evidently came to Cambridge for the purpose of qualifying for orders. He was ordained a deacon (London) in 1610; in 1616 he was curate of Shalford (Surrey); in 1618 he was ordained a priest (Gloucester), after which he disappears from sight.

(3) *John Allen* (1596–1671) was one of the most eminent of New England divines, and acted as the spokesman of Massachusetts in a notable controversy with the Long Parliament over the limits of colonial allegiance (1646). Of his early life the *Dictionary* can only say: ‘it is believed that he was of Cambridge University, where he proceeded M.A.’ From the *Alumni* we learn that he was the son of Reginald Allen, gentleman, of Colby (Norfolk), was educated at North Walsham School, matriculated from Caius in 1612, was a scholar of that College, and proceeded M.A. and was ordained in 1619, afterwards holding curacies at Denton (Norfolk) and Wrentham (Suffolk). He was at Wrentham in 1622, the date of his first marriage. Neither the *Dictionary* nor the *Alumni* throw any light on his career in the next thirteen years. But in the time of Bishop Matthew Wren (1635–8), Allen, who was then settled at Ipswich, voluntarily abandoned his cure and removed to London, in order to escape from the bishop’s displeasure. He sailed for New England in 1637.

In a work of these dimensions there must inevitably be slips. But we have noticed remarkably few in the letter A. It is, however, a shock to find Robert Bruce, first earl of Ailesbury, entered under the heading 'Ailesbury, Robert' (p. 10). On the same page Sir Thomas Ailsbury is stated to have died at the age of 81, though from the evidence there given it is clear that he was not more than 78. The date of the murder of Anthony Ascham, the envoy of the Commonwealth to the court of Madrid, is given as 1649 (p. 43), whereas the correct date is 27 May 1650. In the notice of Clement Adams (p. 4) it would have been well to note that the 'king's henchmen', to whom Adams acted as schoolmaster, were pages of honour.

In attempting to settle the identity of the supposed poet Richard Argall, the editors have touched a literary problem which we can hardly blame them for failing to unravel. They could, however, have done so if they had duly weighed the evidence which Dr. Grosart collected in his article on Robert Aylett in the *Dictionary of National Biography*. Under the name of Richard Argall appeared in 1621 a collection of religious poems (including an elegy on Bishop John King of London), which induced Antony Wood to add Richard Argall to his list of Oxford authors. But these poems were republished in 1654 as part of the *Divine and Moral Speculations* of Robert Aylett, then a master in chancery. Robert Aylett was a Cambridge man, a member of Trinity Hall, who incorporated at Oxford in 1608, during King's vice-chancellorship. Either then or later he enjoyed King's patronage, and the Argall volume of 1621 contains an elegy on the bishop. Aylett, who had been admitted an advocate in 1617, was perhaps reluctant to compromise his professional prospects by publishing poetry under his own name. But he published in 1622 two other volumes of verse which were likewise incorporated in the *Speculations*. It is a curious coincidence that Aylett should have chosen as a pseudonym a surname and Christian name which were actually borne by at least one Cambridge man (and possibly by two) very little senior to himself. But 'Argall' may be a reference to his profession as a lawyer, and the Christian name Richard was probably chosen that the initials of the pseudonym might correspond to those of the author's true name. Aylett and his poetry are duly noticed in the *Alumni* (p. 59), but without any reference to the problem of 'Richard Argall'.

H. W. C. DAVIS.

*Inglese e Scozzesi all' Università di Padova dall' anno 1618 sino al 1765.*

Di HORATIO F. BROWN. (Estratto da: *Contributo del Reale Istituto Veneto di Scienze, Lettere ed Arti alla Celebrazione del VII° Centenario della Università di Padova*. Venezia: Ferrari, 1922.)

THE manuscript which Dr. Horatio Brown here edits for the first time is at present in the library of the episcopal seminary at Padua (Codex 634). It originally belonged to the Anglo-Scottish nation of the university of Padua, and is a register in which members of that nation, and a good many casual visitors, English, Welsh, Scots, and Irish, inscribed their names. Its proper designation is apparently *Liber Nationis* (no. 2001). The first group of names was entered on 2 September 1618; the last entry bears

the date 9 August 1765. In all there are 2,038 entries; but there are some certain or probable cases of duplicate entries. Sir Kenelm Digby appears, for example, both in 1646 and in 1648.

It would be interesting, if it were possible, to distinguish in every case between the tourist and the *bona-fide* student. But the register itself seldom helps us to make the distinction. One signatory, Thomas Palmer (no. 716), describes himself as *admissus studiosus*; a Mr. Oliver (no. 2032) explains that he has been matriculated. John 'Nipho' of London states that he is devoting himself to philosophy and medicine (no. 901); on the other hand, a gentleman who enrolls himself on 17 February 1685/6 signs again on the following day to record his departure (no. 773-4); Thomas Holmes (no. 1979) remarks that he 'passed by on his travels July ye 20, 1736'. There are other similar notes in the latter part of the register; but they only account for a small portion of the entries. Further help in the work of discrimination should be given by the list of English and Scottish 'jurists' of the university, which has been published by Professor Andrich (Padua, 1902); but Dr. Brown, though he refers us to this work, has not made use of it in his annotations. The corresponding list of 'artists' has apparently disappeared.

Working at a distance from British libraries Dr. Brown has not ventured to write biographical notes for many of the entries; and, generally speaking, his notes are more valuable for the Scottish than for the English names in the register. The proportion of well-known personages is not very high; but the following deserve special mention:

1622, Charles Cotton (no. 57); 1624, Dudley North (no. 71); 1633, Nathaniel Fiennes (no. 124), Henry Blount (no. 138); 1634, Montrose (no. 158); 1645, Henry Howard (afterwards sixth duke of Norfolk) and his friend John Evelyn (nos. 328, 334); 1646, Edmund Waller (no. 351), the second duke of Buckingham (no. 355), the second earl of Strafford (no. 356), Sir Kenelm Digby (no. 359); 1647, Thomas Killigrew (no. 383); 1651, the first earl of Chesterfield (no. 473); 1655, Giles Vanbrooke, the father of Sir John Vanbrugh (no. 516); 1657, Sir John Reresby (no. 553); 1659, W. Cavendish (no. 575), probably the first duke of Devonshire; 1660, William Sandcroft, the future archbishop (no. 584); 1664, the earl of Rochester (no. 614); 1671, Graham of Claverhouse (no. 694); 1672, Bulstrode Whitelocke (no. 686); 1690, Henry St. John (no. 1076).

Henry Peyton, 'colonnello Inglese', whose name appears in 1620 (no. 38), is probably the Sir Henry Peyton who, with Sir Henry Mainwaring, was given the command of a fleet in the Venetian service in 1618. If this identification be correct, Peyton is clearly a casual visitor at Padua, and his appearance in the register shows that from the very beginning the names of tourists and students were entered indiscriminately. John Donne the younger, entered in 1635 (no. 167), was a jurist and took his doctorate at Padua; he went thither from Oxford, where he was under a cloud, having narrowly escaped conviction for manslaughter; he returned to Oxford and took orders in 1638. Carolus Schineuix (no. 257), whose name is queried by Dr. Brown, appears to be rendering the name of Chenevix phonetically for the benefit of Italian readers. Robertus Ritto (no. 263), 'Baro di Kensington', is Robert Rich, son and heir of the first earl of Holland. Ridolfo Vecherlin (no. 352) is the son of Georg Weckerlin, who was Milton's predecessor in the office of Secretary for Foreign

Tongues. William Ashburnham (no. 424) may be the royalist colonel of that name who was suspected of complicity in a plot of 1654 against Cromwell's life. Thomas Hyde (no. 498), entered in 1653, is possibly the Orientalist of that name, who at this date was not yet seventeen and a Cambridge undergraduate.

This register is the subject of an interesting article which Dr. Brown has contributed to the *Quarterly Review* for July 1922.

H. W. C. DAVIS.

*A Manual of Archive Administration.* By HILARY JENKINSON. (London : Milford, 1922.)

MR. HILARY JENKINSON set out, he tells us, to provide a scheme for the management of the archives that accrued during the late war : he has produced an informing handbook of archive administration. He is conscious of the difference between initial aim and final achievement, since his preface is an apology for it ; but the apology is unnecessary, for it is precisely that which we would not look to find in the series devoted by the Carnegie Endowment to the ' Economic and Social History of the World War ' that renders his work valuable to the historian and to the custodian of archives.

It is a strictly official view that Mr. Jenkinson takes of records and record-keeping. He concerns himself with the record and not with that which it records. An archivist's first duties are, he holds, his duties towards the archives themselves ; it is only when these have been discharged that he is at liberty to make them available for use by students. The logic of his position leads him to tilt against his best clients :

The Archivist is not and ought not to be an Historian. He will need, of course, some knowledge of History and may be interested in it personally, just as he may be interested in Metallurgy or any other science : but his duty is to his Archives, independently of any of the Research subjects (of which at present History is the most prominent) which make use of Archives for their own ends ; and therefore an interest in any of these subjects, since it might give him a prepossession in favour not only of a subject but also perhaps of a school of opinion within that subject, might be more than inconvenient or inappropriate, it might be positively dangerous.

We have no intention of disputing Mr. Jenkinson's premisses. We agree, too, that it is worth forcing the official point of view on the attention of persons who have no experience of archive administration. A custodian of records, like a custodian of books, looks at his charge from a point of view quite other than that of the readers whom he serves. It is desirable that the student should realize the main principles upon which custody has to be based if it is to be effective ; failing such realization his criticism will be uninformed as well as irresponsible. Mr. Jenkinson properly stigmatizes the work of the eighteenth-century ' methodizers ', whose attempts at introducing order into our public records merely created confusion through disregard of the original classification. But we hold that the methodizers failed, not so much from subordinating every other consideration to the claims of historical inquirers, as from ignorance of administrative history. A skilled archivist requires to be not less but more of an historian if he is to handle his archives with understanding and follow

out the admirable principles which Mr. Jenkinson lays down. Without historical training, archive administration will relapse into mere office routine, and by becoming unintelligent will lose in quality.

All constituted guardians of written records stand in a dilemma. On the one hand, it is their business to preserve and not to destroy. It is contrary to their nature to dispose of documents, however worthless, which have once been committed to their charge. (Mr. Jenkinson hesitates to recommend destruction in any case save that of duplicates, and then only after a word-for-word collation, which in the nature of things is impracticable.) On the other hand, they have to reduce future accessions to a manageable bulk. This is a vital necessity with war archives, the bulk of which has been estimated by the recent royal commission to be as large as that of the previous contents of the Record Office. Who is to decide what shall be retained and what shall be destroyed? Mr. Jenkinson argues that it is not the business of the archivist to make the selection, but that the responsibility should rest with the departments which have created the records. Such documents, in his view, as cease to be required for reference by the office should be marked out for destruction in the office. A record will consequently earn its title to preservation by its immediate utility and not by its possible ultimate value. We think he is probably right in his conclusion, unsatisfactory though it may be from the historical point of view. Future generations will have no solid ground for criticizing such action, though they will probably have frequent occasion to deplore it. It is easier to concur whole-heartedly in the recommendation that, in dealing with the archives of the war, the central organization shall be taken as the unit, and that it and all its branches shall be taken to form a single 'archive-group'. Such an arrangement will have the effect of allowing the wholesale destruction of correspondence of subordinate bodies, so far as it is on record in the archives of the superior authority.

Practical administrators may be recommended to study Part IV of this work, dealing with the function of registries; but most readers will turn first to Part II, which is concerned with the origin and development of archives and with rules for archive-keeping. That part of the volume might quite well have been divorced from the remainder and published, with the appendixes, as a manual for archivists. It is illustrated from different classes of national records, and provides much incidental information regarding them that is not to be found in Scargill-Bird's *Guide*. For a list of these incidental references the reader should turn to Appendix 1, not to the general index. Appendix 6 is a useful list of specimen rules for transcribing documents.

H. H. E. CRASTER.

## *Short Notices*

So much attention has been devoted by scholars to the causes of the downfall of the Roman Republic that it is hardly fair to expect much originality in a new treatment of the subject. Of the greater part of Mr. F. B. Marsh's study, *The Founding of the Roman Empire* (University of Texas Press, 1922), it is enough to say that it covers the familiar ground adequately, and shows sound knowledge of the ancient and the best modern authorities. The appendixes on the date at which Caesar's Gallic command terminated will be useful to those who have no time or inclination to read the controversial writings of Mommsen, Hirschfeld, Judeich, and others. Mr. Marsh makes the interesting suggestion that the unwillingness shown by the republican senate to annex new provinces may be partly explained by the fact that an extension of the empire would have involved an increase in the number of the magistrates, a step which the exclusive aristocracy of office was anxious to avoid. Again, he has shown from a study of the magistrates and provincial governors under Augustus that that emperor drew his own officials from members of the senate to a much greater extent at the end than at the beginning of his career, and was thus led to a control of the elections which in the first instance he had avoided. In the senate of Augustus 'new men' were indeed rarer than members of old republican families, but from them the emperor drew many of his officials. These are perhaps the only original points made by Mr. Marsh, but his book is not intended primarily for experts and is a very competent piece of work.

G. H. S.

He will be a dull and unimaginative reader who does not derive instruction and amusement from *The Study of Mediaeval Chronicles* (Manchester: University Press; London: Longmans, 1922), in which Professor Tout has reprinted from the Bulletin of the John Rylands Library a lecture delivered there and at Cambridge. The twenty-nine pages of what are modestly referred to as 'these very desultory observations' have at least one quality in common with the best examples of their subject-matter: that they enable us to form a very fair impression of their author, his outlook, his likes and dislikes in a good many directions, and, what is more important, his own ideals in the study and writing of history. Dr. Tout's emphasis on the necessity of maintaining a just balance between the study of chronicles and records and archaeological and literary evidence where each has something to contribute to the writing of history will command assent, though it must be admitted that few things are found more difficult in practice. We have found ourselves as we read present, at least in aspiration, at a disputation on historical method between himself and Matthew

Paris in which the Literary Search Room of the Public Record Office supplied the place of the Elysian Fields. The criticism of the titles 'Chronicles', 'Annals', 'Histories' is just in so far that neither those nor more grandiloquent names give a real indication always of the character of a particular medieval composition, and the modern student could often interchange the labels. On the methods of writers in different centuries there are many shrewd observations in a short space, if it can hardly be said that in regard to them or to the authors of modern textbooks Dr. Tout has 'set down naught in malice'. Sometimes a generalization makes us wonder. Is it true that 'the human mind always works in certain definite directions'? Or again: 'some advantages the monastic chronicler possessed. He was not, like the medieval baronial and ruling class, or like the bishops themselves, a perpetual vagabond.' And we fear that the student who accepts the statement that 'Record sources will enable us still more meticulously to trace the itineraries of kings . . .' must prepare himself for some painful shocks until he knows as much as Dr. Tout not only of certain very important classes of records but of the little ways of the men who made them.

C. Js.

In his *France and England, their Relations in the Middle Ages and Now* (Manchester: University Press; London: Longmans, 1922) Professor T. F. Tout has published, in an expanded form, the substance of four lectures delivered at the university of Rennes in the spring of 1921. The first lecture contains an excellent statement of the cosmopolitanism of medieval Europe and the characteristics common to all countries. In the other three lectures the author develops his main thesis, that 'besides their share in general Western Civilization England and France became sharers in a special civilization within that civilization'. This is up to a point undoubtedly true, and it needs expression. Dr. Tout is often illuminating, especially, as we should expect, on the administrative parallels. But he has attempted to prove too much, and he has failed to show that the special civilization shared by England and France was peculiar to those two countries. The attempt of the king, by the aid of the lesser folk, to become dominant over the great barons was no more a feature of English and French history than of German. The absolutist tendency of the monarchy was not a French invention imitated by Richard II of England; it was the imperial theory, based on Roman law. The most striking instance is the attempt to prove French influence on the settlement of the investiture question in England. Here Dr. Tout has unexpectedly fallen into errors of fact, when he states that there had never been investitures in Gaul, and when he draws the conclusion that, because he was a French prince, Henry I of England attached little importance to the symbol of investiture. Actually Henry's attitude to this question was very similar to that of his imperial son-in-law, and markedly different from that of the French king. But though we should lay much more stress than Professor Tout does on the point he makes in his first lecture, and much less on his main thesis, we can warmly recommend his book to any one desirous of obtaining a clear and concise account of Anglo-French relations in the middle ages. Especially in the lecture on the Hundred Years war,

he is very skilful in disentangling the various threads and explaining the successes and failures of both sides. This small volume is full of arresting phrases and illuminating ideas, and cannot fail to be helpful to the student of medieval history.

Z. N. B.

The co-operative volume, *Medieval France*, edited by Mr. Arthur Tilley (Cambridge: University Press, 1922), contains a number of excellent chapters on various aspects of French history in the middle ages. It opens with two general chapters, one on the geography, one on the political history of medieval France, by Professor Gallois and Professor Langlois respectively; there are brief sketches on the army and the navy, and a more detailed survey of the development of industry and commerce by Professor Halphen; the language and literature are treated in two chapters by Professor Jeanroy and M. Foulet. Learning and education were never in the middle ages very national, and the admirable chapter by Mr. Little is not so strictly limited to France. The volume concludes with interesting chapters on architecture by Sir Thomas Jackson and on sculpture, glass, and painting by the provost of Eton. The arrangement, as in all such composite works, tends to lack continuity, and this makes perhaps less interesting reading than a somewhat similar book which appeared about the same time by a single hand, *Le Moyen Age* by M. Funck-Brentano, which has recently been translated into English. On the other hand, it has the additional merit of its kind: each chapter is contributed by an expert in the particular subject, and as a book of reference it is worthy of all praise. There are naturally omissions: Sir Thomas Jackson's chapter deals almost entirely with ecclesiastical architecture; the student of French history must know something at least of military architecture, and this volume will not help him. In the chapter on the army M. Carron speaks only of military organization, not of methods of fighting. The growth of the French commune, considering its importance, scarcely gets adequate treatment. It is a pity that a book dealing wholly with medieval France should be illustrated by a map of modern France with modern boundaries.

A. L. P.

Mr. F. L. Attenborough has prepared a careful and well-planned edition of the *Laws of the Earliest English Kings* (Cambridge: University Press, 1922) down to, and including those of Æthelstan. The translation (which is printed parallel with the text) deserves to be studied even by those who have Liebermann's edition at their command. The critical apparatus is of modest dimensions; but, as it notices all variant readings which affect the sense, it will be found sufficient for the purposes of most historians. The text of each document is printed from the best available manuscript. The notes give a brief account of the problems arising out of the subject-matter, with references to the relevant literature; some notes, however, discuss textual difficulties and difficulties of interpretation with considerable independence. Mr. Attenborough, whatever may be the value of his suggestions in particular instances, has at all events shown that the received text and the accepted renderings of the Laws deserve more attention from trained philologists than they have hitherto received. We do

not understand why he hesitates to accept Liebermann's explanation of *fedesl* (Æthelberht 12) as denoting a 'mainpast' of the king. The fact that *fedesl* is elsewhere used as a translation of the Latin *altilis* appears to confirm Liebermann's view, not, as Mr. Attenborough thinks, to contradict it. In discussing the sense of *kyningaede* (Ine 54) Mr. Attenborough omits to notice the parallel enactment of Alfred and Guthrum (§ 3) in which 'the man entitled to give a king's oath' appears as 'a king's thegn' and the *hyndenne* of Ine appears as a group of twelve oath-helpers. In his remarks on the much-discussed term *esne* (p. 178) he is rather perfunctory, though his general conclusion, that it denotes a genus of which the *theow* is a species and should be rendered by the word 'servant', seems to be correct. He connects *esne* with the Gothic *asans* (harvest); but it would not have been amiss to mention the Gothic word *asneis*, which, as Schmid points out, is regularly employed to translate *μωθωρός* in the New Testament. The suggestion, in reference to Wihtried 23, that the manuscript reading 'gedes theuwne esne' (bond servant of a community) is preferable to the conjectural reading 'Godes theuwne esne', possibly makes it easier to construe the sentence in question. But it does not make the doom relate to a lay community; for the doom occurs in a statement of the church's prerogatives with regard to compurgation. The community in question is, therefore, ecclesiastical. Mr. Attenborough asks how it is possible for the lord of such a community to be, as the law contemplates, a non-communicant. We think the answer is that the lord in this case would be the layman under whose protection the community is living. But, in view of the fact that the clergy are repeatedly described in later Laws as 'the theows of God', there is a good deal to be said for the emendation which Mr. Attenborough rejects; if it be accepted the subsequent phrase *in heora gemange* simply means 'in the assembly of the clergy'.

H. W. C. D.

The seventh volume of the 'Analecta Ambrosiana' is *Il Codice Ambrosiano del Liber Diurnus Romanorum Pontificum* (Rome: Alfieri e Lacroix, 1921), edited by L. Gramatica and G. Galbiati, the learned curators of that library. It was thirty-three years ago that Th. von Sickel published his critical edition of the *Liber Diurnus Romanorum Pontificum ex unico Codice Vaticano*. In the same year (1889) Mgr. Ceriani, the then prefect of the Ambrosiana, announced before the Royal Lombard Institute the existence of another manuscript of this collection of formulae used in the papal chancery, which had theretofore remained practically unknown, and promised an edition. But Ceriani died before the edition appeared; and even his successor, the present pope, who assumed the obligation and spent much time on the edition, was called away from the Ambrosiana before the completion of the work. The volume before us is not, however, a critical edition, but a facsimile of the entire Ambrosian manuscript, with a very clear and interesting preface, of which chapter i deals with the general history of the *Liber Diurnus*, with its origin, formation, editions, and extant manuscripts, of which two only survive (the Vatican and Ambrosian), the Claromontanus having disappeared; and chapter ii deals with the particular history and palaeography of the Ambrosian manuscript which goes under the press-mark 'I. 2 sup.' and

is correctly ascribed to the end of the ninth century. The preface closes with an index of the ninety-seven formulae contained in the Ambrosian manuscript. Four leaves wanting in the Ambrosian have been supplied by reproducing the corresponding leaves from the Vatican, so that the volume gives one an idea of the appearance of the two extant manuscripts. Though the facsimiles are reduced, they are very clear and for textual purposes leave nothing to be desired. The publication will be warmly welcomed by all students of papal history and diplomatic. E. A. L.

In his *Der Liber de Unitate Ecclesiae Conservanda* (Berlin: Ebering, 1921), which is no. 147 of the series 'Historische Studien', Dr. B. Gaffrey traces in great detail the dependence of this controversial pamphlet on the ideas of St. Augustine's *De Civitate Dei* and of the Pseudo-Cyprian's *De XII Abusivis Saeculi*. He shows how the *ecclesia* in the conception of the author (whom he accepts as Walram, bishop of Naumburg) is Christendom, the City of God on earth characterized by *pax* and *iustitia*, over against which is set the *civitas diaboli* with exactly opposite qualities. Walram is concerned to prove that Henry IV and his partisans and cause have the qualities of the first, Gregory VII and his those of the second; and his not very equitable judgements on men are the result rather of his premisses than of conscious unfairness. His conception of the relations of the *regnum* and *sacerdotium* within the *ecclesia* remains that of equality in dissimilar functions, as laid down by Pope Gelasius. Dr. Gaffrey makes very clear how closely the author holds to St. Augustine, endeavouring to turn Gregory VII's insistence on *iustitia* against the papal cause. C. W. P. O.

A good deal has been written on the relations between the vikings and the peoples of western Europe in matters literary and artistic, and there has been much discussion about the contributions of Scandinavia to the literature of the heroic age. In *Angevin Britain and Scandinavia* (Cambridge, Massachusetts: Harvard University Press, 1921) Dr. Goddard Leach has given us a study of the literary relations between Scandinavia and western Europe, and more especially with England, in the period indicated. Basing his work very largely upon the researches of Dr. Alexander Bugge the author gives, by way of introduction, a full picture of the close and friendly relations between England and Norway down to about the middle of the fourteenth century, and then shows to what a surprising extent the literature of western Europe was known, translated, and imitated, not only in Norway but also in Iceland. Pseudo-histories, like that of Geoffrey of Monmouth, Arthurian and Carolingian romances, Breton lays, eastern tales all alike found eager readers and hearers, and such was the wealth of material which found its way to the far North that there are many cases in which some prose romance or poetic lay would have been entirely lost had it not survived for us in an Icelandic version. All this was only too little known, and one must welcome a book which for the first time brings it home to English readers. It is a pity, however, that the book is filled out by a good many chapters which the author frankly confesses are of entirely secondary authority and often quite irrelevant to the subject in hand. Chapter i on the Scandinavian settlement of

Britain is hardly needed, and, even if it were needed, is done so sketchily as to be of little worth. Chapter xi needlessly attempts the impossible when it tries in twenty-three pages to summarize the highly controversial questions of Scandinavian history as reflected in and influencing Old English heroic literature. Chapters xiii and xiv on outlaw legends and ballads are vaguely speculative, and that on 'The Revival' (of interest in things Scandinavian) in the eighteenth century is worse than irrelevant. It is much to be regretted that there is so much idle padding, for it seriously detracts from the value of a book which in its central chapters renders real service to the comparative study of literature in the middle ages.

A. M.

The two careful dissertations by Father Franz Pelster contained in his little pamphlet *Thomas von Sutton O.Pr.* (Innsbruck : Rauch, 1922) well deserve to be read. Thomas Sutton, an Oxford Dominican, contemporary with Duns Scotus and described as *ein Oxforder Verteidiger der Thomistischen Lehre*, has hitherto been known only through a discussion of his *Quodlibet* and *Quaestiones Disputatae* published by Father F. Ehrle in 1914. A further examination of manuscripts now enables Father Pelster to assign to him with high probability several other works, the authorship in one important case depending on the identification of Sutton with the Thomas Anglicus commonly supposed to be the Dominican cardinal, Thomas Jorz or Joyce. Our knowledge is also increased by the discovery that a considerable part of Sutton's work was directed, not against Duns Scotus, but against Robert Cowton, a Franciscan who taught at Oxford just after Duns. It is also worth noting that Wadding attributes to William of Occam a book 'De Pluralitate formae contra Suttonum'. Sutton was evidently a figure of some importance in the controversy that raged round the doctrines of St. Thomas Aquinas in the fifty years after his death. The older struggles about Averroism he treats as obsolete, and confines himself to the contemporary disputes about intellect and will, the relation of *esse* to *essentia*, and God's foreknowledge of contingent events. He follows Aquinas closely but not blindly, and when he warns us against asserting too hastily that Aristotle's teaching is *contra fidem*, he seems to be moved more by charity than by slavish admiration. On the whole it appears that Sutton's historical importance lies in this, that he represents an early stage of Thomism, before it had begun to assume positions doubtfully consonant with the intention of St. Thomas himself. If we hesitate to expect that the study of him will improve our own understanding of the master, it is only because we are not in the position of Sutton's contemporaries, who often lacked access to the text and had to depend on oral exposition. Incidentally Father Pelster is able, with Sutton's help, to throw some fresh light on the process and technique of medieval disputations, and to bring out the distinction between *quaestio ordinaria* and *quaestio magistralis*, in the latter of which no *baccalaureus* was engaged, but only a senior and a junior *magister*.

W. H. V. R.

In the *Economic Journal* for March 1922 (vol. xxxii, no. 125) Mr. R. V. Lennard gives a careful survey of the available printed evidence from

which he concludes that recent writers have too hastily alleged that in the later middle ages the soil of England was progressively exhausted. Both its exactness in detail and its general soundness and moderation favourably distinguish this article, like Mr. Lennard's other work, from much that is written on English agricultural history. A.

Dr. J. R. Tanner's *Tudor Constitutional Documents* (Cambridge : University Press, 1922) will be welcomed as bridging part of the gap left between Bishop Stubbs's and Sir George Prothero's selections of constitutional documents. The range of his selection is wider than Sir George Prothero's, and the liberal use of contemporary writers, especially in illustrating the Reformation, adds considerable interest to his volume. But it is not merely as a collection of documents that the book will be used, for Dr. Tanner's sectional introductions provide the best survey that we possess of Tudor constitutional history and incorporate even the most recent work that has appeared. There are one or two minor errors, and there are a few points on which one might disagree with his statements, but his commentary deserves unstinted praise. As for the documents themselves, they are all taken from printed sources, and no practical objection can be taken to this. But when so many of our constitutional authorities are accessible only in unscholarly editions there can be no assurance of safety even if the two rules are strictly followed of quoting from the original printed authority and the best edition of it. Against these rules, however, Dr. Tanner sometimes offends. Thus he prints many extracts from D'Ewes's *Journals* for the period 1559-81, the original authority for which is the *Commons' Journals*. Some are editorial summaries of the transactions by D'Ewes, others are embellished quotations from the official journals; as examples comparison with the *Commons' Journals* should be made of the extracts on pp. 560-2. Now D'Ewes's editorial additions have no validity in themselves for the Elizabethan period; his documentary equipment, with one exception, and his critical standards were inferior to ours, and his text should, if possible, be avoided. An excellent illustration of the pitfalls in his *Journals* is furnished by the Norfolk election case of 1586. Sir George Prothero in his book of documents (4th ed., p. 130) prints six 'resolutions' of the commons arising out of this disputed election, and they have almost become classical, especially the fourth. But the whole of this passage is merely an editorial summary by D'Ewes, and the 'resolutions' are points which he extracted and distorted from the genuine report of the commons' committee. In the manuscript of his work (Harley 74, fo. 261) they are written in a roman hand adopted by D'Ewes to distinguish editorial matter from textual, which is in secretary hand; whilst unluckily the editor of his *Journals* omitted the concluding passage of the summary which explained that it was merely editorial comment. Fortunately Dr. Tanner prints the actual report of the committee<sup>1</sup> with its obscurer wording, and Sir George Prothero's extract should therefore be deleted in its favour; but he accepts the fiction that there were six 'resolutions' (p. 595). Other corrections of D'Ewes

<sup>1</sup> D'Ewes has two versions of this, for a possible explanation of which see my remarks in *Trans. Roy. Hist. Soc.*, 4th ser., iii. 150.

have yet to be made : for example, the passage quoted relating to Peter Wentworth in 1593 (pp. 564-5) is misleading and its interpretation inaccurate ; but this point must be reserved for discussion elsewhere. One further point : the spelling of the documents has been modernized throughout, which some readers will regret. But we repeat that Dr. Tanner's is an admirable piece of work. J. E. N.

The Champlain Society has taught us to expect from its editors volumes wherein the results of careful scholarship are presented in the best form that modern book-production can accomplish. The first volume of the Society's new edition of *The Works of Samuel de Champlain* (Toronto, 1922) worthily maintains this high standard, and it is a real pleasure to handle so beautiful a book and to pore over the facsimiles of original charts in the portfolio that accompanies it. Certain of Champlain's works have never yet appeared in English, and it is the intention of Mr. H. P. Biggar, the general editor, and the Canadian scholars who assist him, to present in six volumes not only a definitive French text of all the works but also an adequate English translation provided with a full critical apparatus. The volumes are to be accompanied by reproductions of all the original maps which gave to the world the first accurate representation of North American topography and were considered by the explorer to be the most important part of his work. The present volume contains the *Brief Discours* of the West Indian voyage of 1599-1601 and the book *Des Sauvages* wherein Champlain described his voyage to New France in 1603. Both of these works have been translated and annotated by Mr. H. H. Langton, librarian of the university of Toronto, who has provided a short introduction to them. The second part of the volume contains the earlier portion of *Les Voyages du Sieur de Champlain*, which deals with the settlement of Acadia in 1604-7. This has been translated and edited by Professor W. F. Ganong, who has also contributed valuable material for the elucidation of Champlain's maps from his intimate topographical knowledge of the coasts of Nova Scotia and New England. His tribute to the explorer's accuracy as a cartographer, and especially his critical notes on the previously unpublished map of 1607, are of great value and form a real contribution to knowledge. The device whereby modern charts on the same scale and with the same orientation are printed side by side with Champlain's plans enables us to understand the narrative in a way that was before impossible. The many facsimiles of the original illustrations with which the volume is enriched are admirably reproduced, and the general editor is warmly to be congratulated on the publication of what cannot fail to take rank as the definitive edition of the works of one of the greatest of the founders of Canada.

A. P. N.

In the preface to her *Life of Henry, Third Earl of Southampton, Shakespeare's Patron* (Cambridge : University Press, 1922), Mrs. C. C. Stopes tells us that it was not for the sake of Southampton himself that she undertook her researches, but in the hope of finding out something more about Shakespeare. Her hope was not realized, but nevertheless she has performed a useful piece of work in bringing together a great mass of material

about a man concerning whom many students of English literature have long been curious. Every one knows of Southampton as the patron and friend of men of letters and the recipient of many flattering dedications, and it is not unnatural to suppose that there must have been a noteworthy personality behind the great reputation which he undoubtedly possessed. But the sober fact seems to be that this patronage of literature was the solitary thing in him which was in any way remarkable, except possibly his good looks. In the course of a fairly long and certainly quarrelsome life Southampton seems to have done—for a man of his position and opportunities—curiously little of real importance. This of course does not prevent a book about him from containing much of the greatest interest, for whatever he was himself he certainly moved among great men and great events. And he had too the advantage of a connexion with one of the great enigmas of our literary history, namely, the identity of the person addressed in Shakespeare's sonnets. Mrs. Stopes is convinced that Southampton was the man, though of course she does not commit the absurdity of identifying him with the 'Mr. W. H.' to whom the sonnets were dedicated by the publisher. These initials she considers to be those of Sir William Harvey, who had married the former countess of Southampton (the third earl's mother), a suggestion which is hardly convincing. In one or two other minor points it is impossible to feel that Mrs. Stopes has quite proved her case, but she is careful to distinguish between what is put forward as fact and as conjecture. As regards the former there is little to criticize, though it is impossible that in a book of this length every statement should be equally well considered. It is, for example, not clear why the author should speak of the odd work entitled *Willoby his Avisa* as having been called in, seeing that there were five editions from its first publication in 1594 to 1635. Then, too, she states that Thomas Nashe's poem, 'The Choice of Valentines', was dedicated to Southampton. The fact is that only one of the three extant manuscripts bears any dedication at all, and this has merely 'To the right Honorable the lord S.' When we consider that the dedicatee is described as a 'sweete flower of matchless Poetrie' and as the 'fairest bud the red rose ever bare', that is, presumably, a notable poet and a descendant of the house of Lancaster, both of which descriptions would have applied to Ferdinando Stanley, Lord Strange, but neither to Southampton, it is difficult to see why the poem should ever have been regarded as dedicated to the latter.

R. B. McK.

The second volume of *The Life and Works of Sir Henry Mainwaring*<sup>1</sup> (Navy Records Society, 1922), edited by G. E. Manwaring and W. G. Perrin, contains the text of three of his literary remains. The first is the treatise *Of the Beginnings, Practices, and Suppression of Pirates*, which is a very curious work written by an erstwhile expert in the practices whose suppression he now demanded. It explains how the crews were collected (Ireland was the great nursery and storehouse of pirates), how they entrapped their victims, what harbours they frequented, why they preferred Flemish bottoms to sail in, and how they might be exterminated. It is

<sup>1</sup> See *ante*, xxxvii. 145.

surprising to learn that in James's reign there were ten times as many pirates as in Elizabeth's, an unpleasant fact which the author attributed to the lack of congenial employment for seamen, who regarded commercial voyages as base, dangerous, tedious, or toilsome, and service in the royal navy as a kind of slavery. The 'Proposition concerning the French Fishing upon the Sowe' contains an eloquent expression of the importance of sea-power to England. *The Seaman's Dictionary*, which first appeared in an imperfect form in 1644, is not written in technical language and was certainly well worth reprinting. These works have evidently been very carefully edited, and much useful information, collected from many sources, is contained in the foot-notes. There are several appendixes on various incidents in Mainwaring's life, but the discussion on 'gentlemen captains' is too short to be of much value.

G. D.

The fourth part of the *Diary of Henry Townshend of Elmley Lovett, 1640-63*, edited by Mr. J. W. Willis Bund for the Worcestershire Historical Society (1920), contains the introduction and index to the text, which was published in three parts in 1915, 1916, and 1917 respectively. The introduction, which is alone under review here, is an extremely valuable and, in some ways, unique contribution to seventeenth-century history, because it supplies the only detailed account of the administration of a county by the royalists during the first civil war. It illustrates the proceedings and difficulties of the commission of array, the reluctance of the county to take any active part in the struggle, and the conflicts between the military governor of Worcester and the civilians associated with him. The inhabitants of Worcestershire at least seem to have had just cause to complain of indiscriminate plundering, the seizure of property under pretence of delinquency, living at free quarters and requisitions without payment, for, although many plans were drawn up to regulate the relations of military and civilians—and these are among the most interesting documents—they were never strictly executed. The result in the midlands was precisely the same as in the west, that loyalty to the cause of Charles I was transformed into indifference or even hostility. Townshend, himself a royalist, denounces the military tyranny of the cavaliers in his neighbourhood as vigorously as Clarendon condemns the misconduct of Grenville in Cornwall. To protect themselves the yeomen and labourers formed associations for defence against plundering by either army, but here as elsewhere the clubmen developed royalist proclivities and incurred the hostility of the parliamentarians. Other matters of general interest which receive fresh illustration in this diary include the collection of ship-money, the reluctance of the trained bands to serve in the bishops' wars and the consequent desertion, the composition of the garrison at Worcester 1642-6, and various details about the pay of soldiers and the cost of equipping and billeting them. The editor's intimate knowledge of the history of his own county has enabled him to elucidate and supplement Townshend's diary on many points of local interest, but the introduction merits the attention of the national historian, for the information it supplies is typical of the experiences which Englishmen endured while the civil war was raging. It is a pity the editor did not point this out and give references

to other memoirs. Apart from this omission there is little to criticize, except some apparent confusion in financial statements of different kinds. Thus on p. vii a subsidy for Elmley Lovett is said to amount to £19, and on p. x four subsidies are said to yield the same sum: there are similar slips in the military accounts. The only serious errors both occur on p. xiv, where the petition quoted is clearly of anglican not puritan origin, and has nothing to do with the protestation referred to in Lenthall's letter,<sup>1</sup> which was circulated generally to all the sheriffs. The protestation, which the editor failed to identify, is the famous declaration<sup>2</sup> to defend the reformed protestant religion which was made by members of both houses of parliament and issued for subscription throughout England. G. D.

Although the 'Collection de Chefs-d'œuvre Méconnus' in which it appears is evidently intended for the general reader, M. Henri Malo's neat little edition of the *Vie de Monsieur du Guay Trouin* (Paris: Bossard, 1922) deserves to be singled out for the attention of students of the period who, if they have not *méconnu* its value, have at least not had the opportunity of reading it in so good a text. Three slightly differing holograph manuscripts by the author survive, and M. Malo has added to the text of that of Chaumont, used by Émile Voillard in 1884, the more important passages which are peculiar to one or other of the two preserved at St. Malo. The chief addition is a short sequel running from the death of Louis XIV to that of the Regent Orleans. G. N. C.

M. Henri Sée's *Esquisse d'une Histoire du Régime Agraire en Europe aux 18<sup>e</sup> et 19<sup>e</sup> Siècles* (Paris: Giard, 1921) is, it must be confessed, a little disappointing in view of the quality of M. Sée's other work. An *esquisse* must be criticized as such; but is not the balance rather unfair between the 186 pages devoted to the régimes which existed in the eighteenth century before rapid change began and the 86 pages into which is condensed the whole narrative of change? The changes described are those connected with peasant emancipation only—from Savoy and Denmark to Russia. For pre-revolutionary France there is the now usual reliance on and criticism of the work of Russian scholars—Loutchisky, Kivalewsky, Kareiev, and others—together with some valuable results of M. Sée's own work. M. Sée sides with those who recognize 'véritablement aggravation de l'exploitation seigneuriale' (p. 34) at the close of the Ancien Régime. There is also the usual French neglect of the agrarian map of France—when will a French scholar work over, and if he cares destroy, Meitzen or do what Mr. H. L. Gray recently attempted for England?—though M. Sée obviously knows much more about it than he here puts down. But when (p. 52) the English open-field system is described as a 'trait caractéristique de l'économie rurale de l'Angleterre', and is not brought into line with its continental equivalents, the treatment could hardly fail to mislead the beginner for whom, presumably, *esquisses* are written. M. Sée has not read Gonner on enclosure or Gray on field systems and he uses the 1888 edition of Lord Ernle. He thinks that enclosure stopped 'presque instantanément' at the end of the sixteenth century. His German, Danish,

<sup>1</sup> *Commons' Journals*, ii. 389.

<sup>2</sup> *Lords' Journals*, iv. 233-4.

'Austrian', and Russian sections are based on a few good books. The section dealing with the French Revolution is valuable and uses much recent work. M. Sée gives reason for thinking that the peasants acquired more of the confiscated land put up for sale than the present reviewer, in a brief reference to the matter, has suggested; and his opinion must be deferred to.

J. H. C.

Mr. Aleyn Lyell Reade is to be congratulated on the completion of another important volume of Johnsonian studies. In his *Johnsonian Gleanings: Part III—The Doctor's Boyhood* (London: Printed for the author, 1922) he continues the work begun as long ago as 1909. Ten years have elapsed since the publication of Part II, and Mr. Reade tells us that, at one time, to a certain private soldier in the trenches the prospect of Part III ever appearing at all seemed rather remote. Mr. Reade is modest in his claims, professing merely to serve the science of biography by the accumulation of material, and admitting that the art of biography 'is the gift of the few'. This volume deals with Johnson's early years, from his birth to the time of his going to Oxford in 1728, at the age of nineteen. By means of the most patient and laborious investigations, Mr. Reade has gathered together an enormous mass of material, and he has been able in this way to fill in the social background of Johnson's boyhood. It seems clear that Johnson's family connexions, on both sides, were more considerable than has usually been imagined. His grandfather, William Johnson, was apparently a yeoman of some substance, and by no means the 'day-labourer' he has been sometimes called; while his father, Michael Johnson the bookseller, was a far more prominent citizen of Lichfield than Boswell seems to imply. Mr. Reade also throws much fresh light on Lichfield Grammar School, and its masters and pupils, in the time of Johnson, and gives an interesting account of several of his schoolfellows. Among other discoveries he has found a hitherto unknown cousin of Johnson's, the Rev. Samuel Ford, who was for many years rector of Brampton Abbots in Herefordshire; and he has identified several people who were formerly mere names to us, such as Caleb Hardinge, who became physician to King George II and a fellow of the Royal Society. He completely disposes of Boswell's romantic story of Elizabeth Blaney, whose unrequited love for Michael Johnson caused her early death; but, as though in compensation for this, he is able to tell us the previously unknown fact of Michael's early love for Mary Neild of Derby. Perhaps the only blemish in this admirable piece of work is the absence of genealogical tables, which makes the task of understanding the complicated family relationships unnecessarily difficult. These tables are apparently to be included in Part IV, but this does not seem a very satisfactory arrangement, and we regret their absence from the present volume. Mr. Reade's industry and thoroughness are worthy of the highest praise, but we think that occasionally his enthusiasm carries him too far afield; even the most ardent Johnsonian hardly wants to know the full names and dates of baptism of the children of Michael Johnson's apprentice, or the family connexions of the descendants of the vicar who baptized Johnson.

F. P. S.

M. Paul Oursel's book *La Diplomatie de la France sous Louis XVI* (Paris: Plon, 1921) deals, as its sub-title indicates, with the episode of the Bavarian Succession and the Peace of Teschen in 1778-9. It is based chiefly on documents in the Archives des Affaires Étrangères and also on some from the Berlin and Vienna Archives. Its avowed object is to bring into high relief the successful diplomacy of Vergennes and the French foreign service in the adjustment of this incident and the services of France in saving Europe from the general conflagration which at one time seemed to threaten from the dispute. M. Oursel has certainly succeeded in making a most interesting story out of this comparatively forgotten episode in European history, but though he brings out sufficiently the skill and patience of Vergennes in steering his way clear between abandoning the Austrian alliance and countenancing Austria's unscrupulous bullying of Bavaria, it must be admitted that the hero of the piece in this narrative is Frederick, who not only appears in the surprising attitude of an unselfish defender of German liberties, but also pulled France's chestnuts out of the fire for her. It is an admirable piece of work, such as we are used to have from French historical scholars, based upon documents well but not obtrusively used, and full of human interest from the vivid descriptions of the personalities who figure in the story. It is a valuable contribution to history, since it not only gives a clear account of the subject-matter of the book but helps very considerably to an understanding of the whole continental position on the eve of the French Revolution.

B. W.

The volume by M. G. Bourgin entitled *Die Französische Revolution* (Stuttgart: Gotha, 1922) in the *Weltgeschichte* edited by Dr. L. M. Hartmann is written with praiseworthy impartiality and in a sympathetic spirit, too sympathetic perhaps, for the crimes of the Terror are passed over quickly. It contains a great deal of information which might be useful for reference, if the book were provided with an index. But the author has made the mistake of trying to pack a vast amount of matter into a small space, and his narrative would hardly be intelligible to readers who were not already well acquainted with the history of the Revolution. He has, besides, no sense of proportion, and while he dismisses the condemnation of Louis XVI in a few words and does not even mention the execution of Marie-Antoinette, he records the fact that Cretté de Palluel served on the agricultural committee of the Legislative Assembly. In accordance with a modern tendency he gives a preponderating importance to all the details of the franchise and elections. He goes so far as to speak of the introduction of trial by jury—the great legal reform of the Constituent Assembly—as ‘strengthening the principle’ of the election of the judges, whereas, in reality, the election of judges was not looked upon by the reformers as a necessary principle of judicial reform, but as the best method of appointment under the circumstances of the time. As for the rule of the Convention, or rather of the *Comité de Salut Public*, when, as the author himself owns, might was right, it becomes the brief golden age of ‘the realization of democracy’, because the Convention was elected on an almost unlimited franchise.

E. D. B.

Mr. B. A. Konkle, by writing the lives of David Lloyd, the father of the Pennsylvanian constitution of 1701 ; of George Bryan, its defender, and of James Wilson, ' the father of that of 1790, as well as the Constitution of the United States', has sought to cover the constitutional ground of Pennsylvanian history. The present volume, *George Bryan and the Constitution of Pennsylvania* (Philadelphia : W. J. Campbell, 1922) logically should have appeared before that on James Wilson, which was issued earlier. Bryan's main title to fame is that he was ' the first emancipator of slaves by law in the whole world'. Otherwise the story of his activities has few attractions to the English reader ; and he showed singular short-sightedness in his opposition to the new American constitution. The volume contains numerous excellent illustrations ; but it is a pity that the author's industry and research are associated with a method of writing English which makes the book very difficult reading.

H. E. E.

Professor Beazley in the prefatory note to his *Nineteenth-Century Europe and Britain* (London : Collins, s. a.) indicates that he has used the British and French Foreign Office archives. Unfortunately he does not show in the text where these authorities have been brought to bear on his narrative. Nevertheless his text-book, by reason of its notes on ' Culture-History' and its succinct and individual description, has a distinctive character of its own.

C. K. W.

A considerable amount of new manuscript material, especially from the French archives, has been used by Professor F. E. Melvin for his *Napoleon's Navigation System* (University of Pennsylvania. New York : Appleton, 1919).<sup>1</sup> Besides a number of useful excerpts from administrative papers and the correction of some points of detail on which former historians have been mistaken, the author gives in his foot-notes and in a long list of authorities guidance which will be useful to all determined students of the subject. The value of his work to other readers is, however, seriously diminished by faults in its presentation. The book is full of tiresome misprints and many of the translations from French are at least inelegant. The accumulation of detail is not governed by any well-defined general plan or argument. There is indeed a distinctive point of view, as the title suggests. Mr. Melvin lays more stress on the economic purpose of the continental system than on its function as a means to defeating the English. ' Napoleon's concept of his Navigation System' is described as ' a truly comprehensive program for the economic reconstruction of France and the Continent' (p. xiii). This leads to some bold generalizations, but the process by which they have been extracted from the evidence is not made clear enough to justify their acceptance without further argument and proof.

B.

For the political historian the chief value of Dr. Hanns Schlitter's *Gründung der Kaiserlichen Akademie der Wissenschaften (Ein Beitrag zur Geschichte des vormärzlichen Österreichs)* (Akademie der Wissenschaften in

<sup>1</sup> The lateness of this notice is due to the lamented death of Dr. John Pawley Bate, who was to have dealt with it in this Review.—Ed. E. H. R.

Wien, Philosophisch-historische Klasse, Sitzungsberichte, Band xcxcvii, Abhandlung 5. Vienna: Hölder, 1921) lies in his detailed survey—based on the public records—of the voluminous discussions attending the foundation of this institution, discussions which bring to light yet another episode in the long rivalry of Metternich and Kolowrat and which show us the vitality, up to the very last hour ‘des patriarchalischen Staates’, of Sedlitzky’s repressive department. Metternich’s conduct in this affair appears, indeed, to have been rather feeble for one who was at least in favour of some such scheme and who had already considered its possibilities all but thirty years before. The publication is well furnished with documents, some two-thirds of its 194 pages being occupied by *pièces justificatives*. C. S. B. B.

Mr. Philip Guedalla, who nine years ago published a book on *The Partition of Europe*, has written a brilliant appreciation of *The Second Empire* (London: Constable, 1922). The considerable bibliography and internal evidence show that the author has read widely; but his object is epigram rather than new material. Most of his sparkling sayings are smart, some are statesmanlike, e. g. ‘The conversation of refugees is rarely a sound foundation for policy’ (p. 323), and ‘It has been for two centuries the misfortune of Austrian generalship to provide with victories the armies of other nations’ (p. 281). If he presents no new facts, he treats amusingly of a well-known episode in French history. W. M.

The third volume of Mr. John Buchan’s *History of the Great War* (London: Nelson, 1922) covers the period between February 1916 and November 1917, and fully maintains the high standard of the earlier volumes already noticed in this Review. Primarily a military history, it has a rare breadth of vision and a wise appreciation of the bearing of morale on victory. Mr. Buchan writes of the war in 1916 as ‘a war of peoples, and the peoples were everywhere greater than their leaders. The battles were largely soldiers’ battles, and the civilian effort depended mainly upon the individual work of ordinary folk whose names were unknown to the press.’ That is the impression which burnt itself into the mind of the ordinary serving soldier at the time and will probably be the judgement of posterity; but it is not the sort of impression conveyed by most works of this type. Some of Mr. Buchan’s dicta on public men are too generous to command general assent, but they are not out of place in a narrative which is throughout finely tempered and written with much literary skill.

G. B. H.

The editor of the fifth edition of *Anson’s Law and Custom of the Constitution*, vol. i, *Parliament* (Oxford: Clarendon Press, 1922), Mr. M. L. Gwyer, has skilfully incorporated the results of the varied constitutional experience of the last few years. In giving the conclusions of recent historical research he has wisely been somewhat conservative, but the books of Professor Pollard, Mr. McIlwain, and Professor Baldwin are cited at the appropriate places. The new edition fills an inconvenient gap and is a worthy fellow to those which Sir William Anson himself successively completed. C.

As in the case of M. E. Bourgeois's *Modern France*, the late Sir G. W. Prothero was fortunate in securing for the volume of his Cambridge Historical Series devoted to Switzerland the co-operation of a first-rate national scholar, the late Professor Wilhelm Oechsli of Zürich, whose *History of Switzerland, 1499-1914* (Cambridge: University Press, 1922), by another piece of good fortune was just being completed at the outbreak of war and could, in its able translation by Eden and Cedar Paul, to some extent be revised by the author himself before his much-lamented death in 1919. Oechsli's name is best known through his volumes on the history of Switzerland from the Helvétique to 1830 (Leipzig, 1903-13), but at least some English readers will remember his excellent articles on the historical relations of England and Switzerland in the *Neue Zürcher Zeitung* for March 1919, which are reprinted in an English translation at the close of the present volume. They will not be surprised to find, here again, much of his attention concentrated on the interest taken by England in Swiss neutrality, and even one of his chapters (xvii) allotted to 'Protestant Switzerland and Oliver Cromwell'. With unusual self-abnegation he has given only about a fourth of his whole text to the period treated in his earlier work, and the rest of the nineteenth century, and especially the two chapters on the constitutions of 1847 and 1874, although not without solidity, are the merest sketch (pp. 396-418). The chief weight is on the two 'books' concerning the Reformation and the age of aristocracy, as the author calls the time from the Westphalian Peace to the French Revolution, and it is immensely attractive to watch his business-like methods of composition, bringing out with even less bias than Professor Gagliardi<sup>1</sup> those features of aristocratic democracy which have so much in common with the larger proportions of the English constitution.

C. B.

In *Maori and Pakeha, A History of New Zealand* (Auckland: Whitcombe and Tombs, s. a.), Mr. A. W. Shrimpton and Mr. A. E. Mulgan give a short survey beginning with Tasman's discovery and ending with 1913. It is intended for the general reader rather than for the school; its pages bristle with names and details far beyond those necessary in a text-book, and often the names are those of comparatively obscure individuals. Mr. Shrimpton is responsible for the part before 1853, and he tends to get lost in detail, so that the reader becomes more confused than enlightened. The story of New Zealand's colonization is mainly one of individual achievement, but none the less there were large principles working themselves out, a fact not made clear in this book. After 1853, under Mr. Mulgan's hand, the interest grows; there are rather fewer trees and something of a wood is visible; Mr. Mulgan has views and is prepared to criticize both men and movements. He gives a rational and useful explanation of the change from provincial to unitary government, traces the reason for New Zealand radicalism after 1880 in the big land accumulations of the seventies, and includes a convenient though very short summary of social legislation from 1890.

E. M. W.

<sup>1</sup> See *ante*, xxxvii. 622.

Mr. Sydney Perks in the preface to his *History of the Mansion House* (Cambridge : University Press, 1922) comments justly on the many books on London which show little, if any, original research work, and hand on inaccurate statements from one edition to another. It is, therefore, a relief to meet with a book in which such pains have been taken to bring together accurately all the information bearing on the subject in hand ; though satisfaction must be tempered with regret that the author has not digested his material better and presented it in a more readable form. Mr. Perks has not been content to give simply the history of the building which is his main concern. One-half of the volume deals with the early history of the site and its neighbourhood ; the chapters on the Walbrook, the Stocks Market, and the churches of St. Mary Woolchurch and St. Stephen, Walbrook, bring together much valuable archaeological information, including not a little that is new to print. The concluding portion relating to the Mansion House gives a detailed account of its building and architectural history to the present time. The value of the book is enhanced by a hundred plates and plans. The result is an historical and pictorial record which will be of permanent value. A few minor points may be noted : ' Cornette Stoure ' on p. 12 reproduces a typographical error in the second edition of Stow's *Survey*, which was corrected in the ' Faults escaped ' to ' Cernettes Towre '—the proper form is Servat's Tower ; the Royal Palace in the Old Jewry (p. 13) would be more accurately described as the Prince's Wardrobe, it was never a royal residence in any proper sense ; a list of ' many localities now unknown ' on p. 149 includes a number as to which there is no difficulty, nearly half appear in Stow's *Survey* and some still exist : ' Cheqz Yard ' is presumably Chequer Yard.

C. L. K.

In the first of two further sections of his valuable *Local Government of Peterborough*<sup>1</sup> (Peterborough : Caster and Jelley, s. a.) Mr. W. T. Mellows gives a careful account of the dissolution of the monastery and of the resulting changes in the civil administration of the soke and its components which partitioned the old powers of the abbots between the elder branch of the house of Cecil, the bishop, the dean and chapter, and the Peterborough feoffees. Appendix I contains a full summary of the temporal possessions of the abbey at the date of the dissolution, with the names of the principal civil officials, from the *Valor Ecclesiasticus* and other sources. In a second appendix the royal charters and other privileges granted to the abbey which have not been printed elsewhere are given at length and the others catalogued. The material for the first time made accessible includes charters of Edward the Confessor, William Rufus, Henry I, and Stephen. They form so welcome an addition to those published by Dugdale and Gunton that it is to be regretted that a few of them contain errors in the text which ought to have been pointed out if they occur in the chartularies from which they are taken. The dates assigned might in some cases have been made more precise. No. 15, for instance, dated 1043-66 by the editor, is later than 1060 if its signatories can be trusted. This and nos. 16-18, which all relate to the gifts of the monk

<sup>1</sup> *Ante*, xxxvi. 476.

Brand, afterwards abbot, and his brother Asketil, the king's thegn, raise some troublesome questions. If Asketil made only one pilgrimage to Rome (perhaps with Earl Harold in 1058), he surely cannot on that occasion have made a gift of lands to the abbey attested by Cynesige, archbishop of York (*d.* 1060), and also confirmed an agreement with his brother witnessed by Cynesige's successor Ealdred? William the Conqueror's charter (no. 18), which is partly printed in the *Monasticon*, has been viewed with some suspicion, though Dr. Round accepted it without demur. The copy here given from Henry of Pytchley's *Liber Cartarum*, in the possession of the dean and chapter, and the chief source of the charters printed by Mr. Mellows, removes one difficulty of the *Monasticon* text. Bishop Wulfwig, who died in 1067, is there described as 'Lincolniensis' although his see was not removed from Dorchester to Lincoln until 1075 at the earliest. Pytchley's copy reads 'Dorcestrensis episcopus' correctly. It creates another difficulty, however, by omitting 'William the earl' from the witnesses. In the dating of Henry II's charters the limits of date attached to the names of members of his court in Eyton's index ought not to be regarded as necessarily the exact dates of their tenure of office, but only of their appearance in documents quoted by Eyton. In no. 37 'apud Ceriom' should be 'apud Cenoman', i. e. Le Mans, which makes the date not earlier than 1158.

Part II begins a more detailed description of the vill and its inhabitants, from printed and unprinted sources, with chapters on the evolution of the vill, the abbot, and the abbot's officers. Emphasis is laid on the parallelisms between the abbot's household and administration and that of the king. There is a complete and corrected list of the abbots (p. 126) and a partial one of the stewards of the monastery. The details of the abbey economy are interesting, but surely 73s. 4d. was an excessive price for one pint of red wine (p. 138).

J. T.

The 'labour and delight' of the last years of the late John Willis Clark was the preparation of an edition of six early plans of Cambridge which was announced as long ago as 1909. Before his commentary was completed he died, and further delay was caused by the war and by the death of Mr. Robert Bowes, the publisher, to whose memory, along with Clark's, the two parts of *Old Plans of Cambridge* (Cambridge: Bowes and Bowes, 1921) are dedicated. The master of Jesus, Mr. Arthur Gray, has completed the work, which forms a most useful and attractive supplement to Clark's great *Architectural History*. The plans are beautifully reproduced by a photographic process and are issued loose in a large portfolio. The first is that of Lyne, belonging to the year 1574, after which comes that from the *Civitates Orbis Terrarum* of Braun and Hogenberg published in the following year. This has the appearance of being simply an inferior *rifacimento* of that of Lyne, who is known on Strype's authority to have been associated with the brother of Hogenberg. Far more valuable than either of these is the large and excellent plan of Hamond (1592), which is reproduced in nine sheets, an additional sheet giving the more perfect copy of the central plate which was presented to the Bodleian Library by J. W. Clark. As this was not known to him at the time when the *Architectural History* was published, it is a pity that it was not included in the edition.

*lectual History* was prepared, it adds some details not to be found in the sectional reproductions there given and also included in the text of this edition. The remaining plans are that prefixed to Fuller's history of the University (1634) and those of Loggan (1688) and Custance (1798). There is a key-plan to the whole. In the accompanying volume of text are, first of all, three short introductory sections by the master of Jesus which concisely survey the topographical history of the River, the Castle, and the King's Ditch, one on the geology of Cambridge by Mr. J. E. Marr, and one on the arms of the university and town. Full and clear descriptions of the plans are then given. Unfortunately one error has crept in which a little obscures the value of Hamond's plan. On pp. xx-xxi and again on pp. 102-3 we are told that this does not show the mound of the Castle; but the two curtain-walls connecting the keep with the ends of the ditch or the southern wall are clearly seen in the original to run down the sides of the mound, which is shown by a sort of hachures. Thus the keep stands on the top of the mound, as has, indeed, been clearly stated by earlier writers on the subject. G. N. C.

The Rev. J. E. W. Wallis's *Chronological Handlist of the Fabric, Ornaments, Primitive Records and Monuments belonging to Whalley Church* (Blackburn: The Standard Press, 1921) is a most excellent little book. It is simply a list of the things which are known to have belonged, and many of which still belong, to the parish church of Whalley where he is vicar. Even in the earlier centuries conjecture is rarely if ever admitted: the evidence is distinctly stated. And from 1636, with the aid of the churchwardens' accounts, continuous from that year, 'the materials exist for a full history of the fabric, ornaments, and furniture of the Church'. The illustration of a cross in the churchyard 'carved with figures of saints, a bird and the graceful beast', is extremely interesting as compared with the Bewcastle cross, which is quite obviously much earlier. All the seventeenth-century plate is stated to have been stolen in 1698. The modern erection of a throne for the bishop of Whalley, not a diocesan bishop, is noticeable. W. H. H.

In 1912-14 excavations were carried out for the Glasgow Archaeological Society on the site of *The Roman Fort at Balmuildy*, a station on the Antonine Wall two miles outside of Glasgow. The excavations, carried out under the superintendence of Mr. S. N. Miller, Lecturer in Roman History and Antiquities in Glasgow University, were brought to an end by the outbreak of war, but fortunately not before the site had been practically exhausted, and the ground plan completely worked out except for the details of the barrack buildings. The report now produced by Mr. Miller (Glasgow: MacLehose, 1922) is an excellent exposition of careful digging. Its illustrations are numerous and well chosen for the clear understanding of the text. The objects found in the excavations, and more particularly the pottery, are minutely described. The pottery section is the most valuable part of the report. Unglazed wares have had less attention devoted to them than *terra sigillata*, and their chronology is less certain. In Balmuildy we have the advantage of dealing with a site of

which the occupation was limited to a period of forty years (approximately 142–80), no traces of Agricolan occupation having been found in it. Mr. Miller has consequently done good service in establishing the forms of common pottery used in North Britain during the reigns of Pius and Marcus.

H. H. E. C.

It requires a Schröder or a Maitland to discuss a problem of legal antiquity with simplicity. Claudius Freiherr von Schwerin, the author of *Einführung in das Studium der Germanischen Rechtsgeschichte und ihrer Teilgebiete* (Freiburg i/B.: Boltze, 1922), cannot lay claim to this gift; nevertheless his book is a valuable, if highly technical exposition of the problems which face the student who attempts to evolve the law and custom of the Germans from the complex tangle of barbaric codes, Frankish Capitularies, and thirteenth-century law-books. The author handles the question with skill and not infrequently suggests the lines on which further study might be undertaken with profit. But greater value is attached to the elaborate bibliographies which fill the bulk of the volume. These, grouped under nationalities, though of uneven quality, are all useful, and, in spite of the author's modest preface, will prove valuable not only to the beginner but to the mature scholar.

A. L. P.

The *Bibliographie Thomiste* (Kain [Belgium]: Le Saulchov, 1921), which has been published by Pères P. Mandonnet and J. Destrez as the first number of the 'Bibliothèque Thomiste', in spite of the modesty of its pretensions as a 'premier essai' will be extremely valuable to students. Besides biographies and editions of the works of St. Thomas Aquinas, it contains lists of the modern literature on the subject, chiefly of the years 1800–1920. There are in all 2,219 classified entries, with an index of authors' names appended. In the entries of English works unimportant misprints often occur. One omission among them is the late Archdeacon Cunningham's *Christian Opinion on Usury* with its brief but lucid discussion of Aquinas's views.

D.

Professor Armando Saponi has compiled a useful general review of the Italian publications for Dante's sixcentenary, *Rassegna delle Pubblicazioni Dantesche Italiane del Secentenario*, and has included it in the memorial volume (*Studi su Dante*, 1922) which the R. Deputazione Toscana di Storia Patria has brought out for the occasion. Italian Dantists are notoriously so prolific that it would be hard for any such work to be exhaustive; but occasional omissions do not diminish the merit of this excellent piece of work. Dr. Saponi has given us much more than a list of publications: he shows us how to pick our way with a certain method through an appallingly crowded field. He has grouped the countless publications into classes, and he has given accounts and brief appreciations of the most important works. Such an invidious task he has accomplished well and he has supplemented by the addition of a good index. His criticism is well informed and fully reliable if the reader appreciates his point of view and knows how to make occasional allowance for it.

E.

Both historians and international lawyers will be grateful for the *Manual of Collections of Treaties and of Collections relating to Treaties* (Cambridge, Massachusetts: Harvard University Press, 1922) which has been prepared by Mr. D. P. Myers, the librarian of the 'World Peace Foundation', as the second volume in the 'Library Series of Harvard Bibliographies'. Its wide use has been anticipated by the printing of the preface and certain other parts in French as well as English, and the number of entries, including some repetitions, is well over three thousand. The subject-matter is not, indeed, very clearly defined: besides the full and useful lists of collections of treaties there are also given some titles of volumes of diplomatic correspondence, but the selection of these, except for those belonging to Latin America, is arbitrary to the point of being casual. It is hard to see why, if any examples of such literature were to be given, the number, for instance, for Great Britain should have been limited to five. Nor are the notes on the books always quite what the historian would wish: sizes in centimetres are nearly always given, but translations are not distinguished from texts in the original languages. None the less, the whole gives in a handy form a most useful survey, brought down to the earlier part of the year 1919, and an Appendix, 'The Publication of Treaties', collects a mass of valuable information on the practice of many states from the earliest recorded times. F.

The first volume of the library's *Catalogue of Manuscripts*, dealing with the *Additional Manuscripts in the Collections of Sir John Williams, Bart.* (Aberystwyth: National Library of Wales, 1921), and compiled by Mr. J. H. Davies, is the first portion of a 'report' on the manuscripts presented to the National Library by Sir John Williams, excluding those already described in Dr. J. G. Evans's *Reports on Manuscripts in the Welsh Language* under the headings Plas Llanstephan and Peniarth. The bulk of the manuscripts noticed in the *Catalogue* relate to Wales and are largely in Welsh. Their literary and historical value, as Mr. Davies points out in a brief introduction, cannot compare with that of the manuscripts already reported upon by Dr. Evans, but it is nevertheless considerable, especially for the seventeenth and eighteenth centuries. It would seem, however, that the historical material is distinctly less valuable than the literary. Yet there are a number of manuscripts which should interest the historian, particularly the student of Welsh economic and local history: there is, for example, a rental book of the Lleweni estate, 1636-44 (p. 198), a roll of the assize rents of the commote of Tindaethwy in 1649 (pp. 114-15), an anonymous journal of a tour in Wales in 1767-8 which is said to contain 'a great deal of useful information' (pp. 126-7), a volume containing particulars of the weight of the variously priced loaves of bread sold in Carmarthen during the period 1809-36 (p. 302). Reference to one and all will be greatly facilitated by the compiler's careful summaries. A most commendable feature is the provision of notes indicating which items are in print and where the printed version may be found: Mr. Davies, with his unrivalled knowledge of Welsh bibliography, has evidently lavished great care on this part of his work; only those who have had some experience of using manuscript material can appreciate the importance of

these notes : they double the value of the *Catalogue*. The paper, printing, and binding are excellent, and there is a good index. Students of Welsh literature and history will owe Mr. Davies many 'footnotes of gratitude', as Maitland would say, 'for smoothing their way, for saving their eyes and their time'.

J. G. E.

The reunion of the Trentino with Italy has led to an enlargement of the Reale Deputazione di Storia Patria of Venetia and of its periodical the *Nuovo Archivio Veneto*. The former has become the Reale Deputazione Veneto-Tridentina di Storia Patria; the latter has closed its 'new series', and is renamed the *Archivio Veneto-Tridentino*. The first part of the fresh series is devoted to Padua and its university. Signor B. Bragi treats of the university of jurists in the sixteenth century, then still at the height of its reputation. Signor B. Brunelli discusses the sources of Shakespeare's knowledge of the university, and concludes that, such as it is, it is derived from English travellers, Italians in London, and the general acquaintance with things Italian common at the time among the educated classes in England.

C. W. P. O.

The second and third numbers of the *Journal of Indian History* have now been published. The contents include articles on early Vijayanagar history, the administration of India during Akbar's minority, permanent settlement in the Upper Provinces, and the Imams of Sanaa. In both parts Mr. Sita Ram Kohli writes on the army of Ranjit Singh, basing his description upon researches in the Sikh records at Lahore; while the editor (Professor Shafaat Ahmad Khan) contributes one article dealing with sources for Indian history during the seventeenth century in the India and Public Record Offices, and another giving copious extracts from documents in the latter office, particularly in relation to the Anglo-Portuguese negotiations over Bombay, 1660-77. These transcripts are interesting; but it is difficult to see why one of them should be printed twice over (pp. 516, 524), though the two copies do come from separate volumes. A valuable feature of Part II is the report on the searches made by the historical staff of Allahabad University and its professor (the editor) for historical manuscripts in Indian libraries. The periodical is eminently deserving of support, and we hope that subscribers will be forthcoming in sufficient numbers to enable it to be kept going.

W. F.

The third meeting of the Indian Historical Records Commission was held at Bombay in January 1921, and an account of the proceedings, including the text of the papers read, has been issued by the Superintendent of Government Printing at Calcutta, priced at one rupee. Professor Rushbrook Williams presided, and among those attending the conference were two representatives of the Baroda State. The papers contributed were : *Delhi during the Anarchy, 1749-88*, by Professor Jadunath Sarkar; *The Bengal and Bihar District Records, 1760-90*, by Archdeacon Firminger; *A Letter from Aurangzeb to Jahanara Begam and her reply*, by Maulavi Zafar Hasan; *Life in an English Factory in the Seventeenth Century*, by Mr. H. G. Rawlinson; *The Political and Economic Condition of Gujarat*

during the Seventeenth Century, by Professor Commissariat; and *Marathi Historical Records and their Publication*, by Mr. D. B. Parasnis. The chairman initiated a discussion on Sher Shah by announcing his discovery of a new contemporary authority, of which he gave an account. Among the recommendations adopted by the conference were the preparation of correct lists of English burial-grounds and their inscriptions, the publication of a series of monographs on the lines of the Indian Records Series, and the investigation of the manuscript records of Portuguese India and of the Marathi manuscripts at Poona. W. F.

The lengthy article by Dr. von Wertheimer, entitled 'Neues zur Orientpolitik des Grafen Andrassy (1876-1877)', which runs through nos. 2 and 3 of the *Historische Blätter*, is based on the records of the period housed in the Staatsarchiv, access to which, in connexion with his biography of that statesman, he had previously been unable to obtain. Utilizing the like sources, Dr. Pribram begins a study of Milan IV and the secret Austro-Serbian treaties of 1881 and 1889. Dr. Mayr carries the discussion of Charles V's political testament a stage further, traversing Dr. E. W. Mayer's conclusions, and in similar manner Dr. Bibl deals with the question of Don Carlos. Dr. Castle's 'Aus dem Tagebuch des Freiherrn Max von Löwenthal' is a welcome minor contribution to the history of the *Vormärz*. The medieval student will turn to Dr. Hessel's 'Die Politik König Albrechts I. Innerdeutsche Probleme und das Verhältnis zu Frankreich und Italien'. An Austro-Bavarian arbitration compact of 1670 is printed by Dr. Bittner, while Dr. Engel-Janósi has a note on 'Die Anfänge des Prinzen Eugen'. Articles less closely political, and thus fulfilling the editorial board's intentions with regard to the scope of this venture, are Dr. Glück's 'Kunst und Künstler an den Höfen des 16. bis 18. Jahrhunderts und die Bedeutung der Osmanen für die europäische Kunst' (interesting, but too discursive) and Dr. Fries's 'Der steirische Erzberg: eine geschichtliche Skizze'. Dr. Berthold Molden's 'Das Schicksal der Deutschen und der Weltkrieg' sits loosely, however, to the other contents of a publication which will have to distinguish between articles suitable for a political quarterly and those for an historical review. We should not omit to mention the conclusion of Dr. von Below's essay<sup>1</sup> and Ritter von Srbik's 'Die deutsche Einheitsfrage in der Frankfurter Nationalversammlung'. C. S. B. B.

<sup>1</sup> See *ante*, xxxvii. 160.

#### CORRECTION IN THE NUMBER FOR APRIL 1922

p. 248, B. I. 8. *Between* denarium and possent supply dei.

# THE ENGLISH HISTORICAL REVIEW

NO. CL.—APRIL 1923 \*

## *Inter Ripam et Mersham*<sup>1</sup>

THE land between the Ribble and the Mersey, 'inter Ripam et Mersham', had varied and tumultuous fortunes in late Saxon times. It bordered on Mercia, Northumbria, and Cumberland, and lay in the way of battle and conquest. It had been conquered from Northumbria in 923 by King Edward and added to Mercia under the jurisdiction of the bishop of Lichfield.<sup>2</sup> By the time of Edward the Confessor it was part of the royal demesne, a solid block of territory, out of which six administrative districts had been formed called hundreds, each one centred in a royal estate or manor bearing the name of the hundred itself. Capital manor and hundred indeed were so completely identified that Domesday refers, for instance, to Salford manor in Salford hundred as 'hoc manerium vel hundredum'.<sup>3</sup> Of the six, 'Derby' is recorded first in Domesday, all its customs being given in more than ordinary detail, partly no doubt because the customs of the other five, 'Newton', 'Warrington', 'Blackburn', 'Salford', and 'Leyland', followed closely the pattern of 'Derby'; and perhaps partly because such customs were somewhat unusual, having risen out of the fortunes of the locality and distinguishing it to this extent from other regions of England. It had been Danish territory. Danish custom therefore persisted, though Saxon custom was superimposed. An older, fairly large class of freemen, freer it may be than they would have been in southern England, continued to live and hold farms or manors through the time of King Edward the Confessor. They were his thegns or drengs or radmen or freemen, some minor distinction in services being perhaps indicated in the name.<sup>4</sup> Their farms had been measured in carucates as against the 'hide' of the south. Yet some time after the Saxon conquest the 'hide' was grafted upon the land,

<sup>1</sup> D. B. 269 b.

<sup>2</sup> *Anglo-Saxon Chronicle*, Rolls Series, i. 196.

<sup>3</sup> D. B. 270.

<sup>4</sup> *Trans. Lanc. and Chesh. Antiq. Soc.*, vol. xvi, 1898, 'Notes on Domesday Survey of Land between the Ribble and Mersey', by W. Farrer.

six carucates making one hide,<sup>1</sup> the hide in this case representing a fiscal measure in Saxon taxation. Each free landholder gave services to the king, and in particular paid him a due according to the number of carucates he held. The other services are attendance at the shire and hundred courts, the payment of fines for offences, work in the king's fields or forests or at his hall. All these are noted in the Domesday Survey. I shall hope to show how, despite the Danish past and custom, likeness existed between the 'Six Hundreds' and other hundreds in England.

For the purposes of this article the most important of the Derby customs is the geld of two ores of pennies rendered by the freemen from every carucate of land.<sup>2</sup> Every manor paid it to the capital manor, the king's station. As a result it was an integral part of the royal ferm or render of Derby.<sup>3</sup> The ferm (a recognized name for the renders of royal estates) was therefore a hundred ferm, in that it was made up not only of the returns from the royal estate itself but included as well the 'geldum carucatarum' and other variable dues from all outlying carucates in the hundred. The carucate-geld appears to be the main fixed item in the hundred ferm, the only tax accounted for in it. It seems to be equal in importance as a public tax with the hundred jurisdiction, another significant obligation of a public kind resting upon freemen of the hundred. Only fifteen manors in all had been freed of the geld, and care was taken to record the exception. The thegns who had held eleven of the manors, making three hides, had been freed of the payment by King Edward. It was a geld on freemen paid to the king, who, whatever customs he might exact from them by virtue of being their royal landlord, held them to this as their king. They were subject to his taxation as they were to his jurisdiction unless released by him. Throughout Domesday 'geld' is used in this sense, a public tax demanded of subjects by a sovereign power.

As in 'Derby' hundred, so in 'Newton', 'Salford', and 'Leyland'; thegns, drengs, or freemen paid the carucate-geld to the ferm of the hundred.

The freemen of this hundred [Newton], all but two, were under the same custom as the men of Derby; and more than these reaped two days in August in the king's fields. . . . This whole manor rendered from the ferm £10 10s.<sup>4</sup>

<sup>1</sup> D. B. 269 b 'in unaquaque hida sunt vi carucatae terrae'; cf. *Trans. Lanc. and Chesh. Antiq. Soc.*, *ubi supra*.

<sup>2</sup> D. B. 269 b 'omnes isti taini habuerunt consuetudinem reddere duas oras denariorum de unaquaque carucata terrae'.

<sup>3</sup> *Ibid.* 'hoc manerium Derbei cum his supradictis hidis reddebat regi Edwardo de firma xxvi libras et ii solidos'.

<sup>4</sup> *Ibid.* 'Huius hundredi homines praeter duos erant in eadem consuetudine qua homines Derberiae et plus quam illis duobus diebus in Augusto metebant in culturis regis. . . . Totum hoc manerium reddebat de firma regi x libras et x solidos.'

To this manor or hundred [Salford] belonged twenty-one berewicks which as many thegns held for as many manors. . . . Some of these lands were free of all custom except geld and some were free of geld. *The whole manor of Salford with the hundred rendered £37 4s.*<sup>1</sup>

To this manor [Leyland] belonged twelve carucates of land which twelve freemen held for as many manors. . . . The men of this manor and Salford did not work customarily at the king's hall nor did they harvest in August; they only put up one enclosure in the forest and had the fines [*forisfactura*] for bloodshed and rape. Concerning other customs they were equal with those of the above manors [Derby, Newton, Warrington, Salford]. *The whole manor of Leyland with the hundred rendered to the king from the ferm £19 18s. 2d.*<sup>2</sup>

To this manor or hundred [Blackburn] there belonged twenty-eight freemen holding five hides and a half and forty carucates of land for twenty-eight manors . . . and they were in the above-mentioned customs. . . . *The whole manor with the hundred rendered the king from the ferm £32 2s.*<sup>3</sup>

This then is the first point I wish to establish, that the ferm of the hundred identified with that of the capital manor was in part and regularly composed of a geld or tax upon the carucates in each free holding. In what follows I shall present the evidence for considering the ferm the most important factor in the formation of the hundred as a fiscal area.

Looking for a moment at the Domesday records of other regions in England in the time of Edward the Confessor, we may note that he drew a ferm (which he had inherited from his ancestors<sup>4</sup>) from royal estates. It had once been paid in material supplies, food and other necessities, and called the ferm of a day or the ferm of a night. Each manor of the demesne gave its share, either the whole ferm of a day or night or some aliquot part of it. Not infrequently it had been estimated in terms of

<sup>1</sup> *D. B.* 270 'Ad hoc manerium vel hundredum pertinebant xxi berewichae [quas] tenebant totidem taini pro totidem maneriis. . . . Aliquae horum terrarum erant quietae ab omni consuetudine praeter geldum et aliquantae a geldo sunt quietae. Totum manerium Salford cum hundredo reddebat xxxvii libras et iiiii solidos.'

<sup>2</sup> *Ibid.* 'Ad hoc manerium pertinebant xii carucatae terrae quas tenebant xii homines liberi pro totidem maneriis. . . . Homines huius manerii et de Salford non operabantur per consuetudinem ad aulam regis neque metebant in Augusto. Tantummodo i haia in silva faciebant et habebant sanguinis forisfacturam et feminae passae violentiam. De aliis consuetudinibus aliorum superiorum maneriorum erant consortes. Totum manerium Lailand cum hundredo reddebat de firma regi xix libras et xviii solidos et ii denarios.'

<sup>3</sup> *Ibid.* 'Ad hoc manerium vel hundredum adiacebant xxviii liberi homines tenentes v hidas et dimidium et xl carucatas terrae pro xxviii maneriis . . . et erant in supradictis consuetudinibus. . . . Totum manerium cum hundredo reddebat regi de firma xxxii libras et ii solidos.' Warrington hundred (*D. B.* 269 b) was under the same customs as the rest, though reference to them is mainly implicit. A certain carucate is declared 'free of all custom but geld', implying the existence of the other customs. There are likewise thirty-four drengs holding thirty-four manors in the hundred. And 'totum manerium cum hundredo reddebat regi de firma xv libras minus ii solidos'. Warrington is likewise one of the 'above manors' to which the customs of Leyland are likened.

<sup>4</sup> *D. B.* 253 b.

money, if not commuted into a money payment by the time of the Confessor. More than this, it is important to realize that the royal ferm charged against the demesne manor was collected not from the demesne alone but from outlying estates in the hundred as well. Such outlying lands were called 'appendicia' and their payments 'consuetudo' or custom. These tributaries might be the manors of other lords or of thegns or freemen; the payment might be in arrears, yet the king claimed it as his right, for it had been not a private rent of his as landlord but a tax on thegns, or freemen, or lords succeeding them. It was so much a tax indeed that when Danegeld, the great tax, was levied on England, it was customary to look upon the ferm as forestalling the imposition of the new geld upon the estates in demesne against which the ferm was charged. They already 'defended' themselves, the term used in assessing land to Danegeld, in the render of the royal ferm.

Moreover there are indications that the ferm was rated on the 'hide'. Not only did royal estates in Berkshire and Gloucestershire 'defend' themselves at a given number of hides although they had never paid Danegeld, leaving us to conjecture that in these counties, as on isolated manors in Surrey, the ferm they gave the king was the defence of their hides, but in addition certain 'appendicia' of a royal manor in Somerset made customary payments to the ferm according to their hidage, that is, one sheep and a lamb from one hide, two sheep and their lambs from two hides, &c. And in Devon although the proportion between ferm-custom and hidage does not continue (perhaps because of the overlaying of a newer hidage in behalf of Danegeld), nevertheless the payments themselves show signs of a regular rating, ranging as they do between 15*d.* and its larger multiples, 30*d.* being the most frequent. Since the payment was rated to the hide in Somerset, it seems the more likely that in Devon likewise these multiple payments had once been so rated.

In the third place a royal ferm manor in Somerset and Devon to which 'appendicia' paid ferm-custom was regularly in a hundred of its own name. Its 'appendicia' apparently lie in that hundred. The inference is plainly to be drawn therefore that the royal ferm charged against the capital manor was taken from outlying free tenures in the hundred belonging to that manor. This inference is more to the point when it is observed how frequently, even regularly, King Edward's estates lie in hundreds of their own throughout England. Had we records of the times before royal lands or free tenures had been liberally granted away to beneficiaries, or usurped by them for the sake of their revenues, I believe we should find the royal estate in its hundred regularly deriving a ferm-tax or geld from

all free tenures in the hundred, as, indeed, King Edward continued to do most exceptionally in the 'Six Hundreds' between the Ribble and Mersey rivers.<sup>1</sup>

There are, however, still further grounds for this hypothesis. The connexion between the ferm and the hundred, the hundred being the area assessed to the ferm, is substantiated by a tax existing in Saxon days, noted in Domesday, and frequently a matter of record in the later Hundred Rolls of the thirteenth century. This is the so-called 'hundred-pennies', obviously once due from the hundred and always a public tax for the benefit of the king. Now the hundred-penny tax I have already identified with ferm-custom, the ferm-tax or geld, paid by outlying lands in the hundred to the capital royal estate.<sup>2</sup> In this identity the hypothesis rests upon firm ground. Ferm-custom or hundred-pennies would seem by the name itself, as well as by the scattered evidence noted above, to have been a tax on the hundred, rated on the hides in the hundred and paid to the capital royal estate.

Returning at this point to the Six Hundreds, we now see that the evidence they provide is complementary to that of the rest of England. What had been a system of ferm-taxation in Saxon England, existing there perhaps only in an antiquated and crippled state by the time of King Edward, a system showing the hundred a fiscal area bound to a capital royal estate, this system existed likewise in the Six Hundreds and continued in almost perfect operation in the Confessor's day. Here are hundreds each having at its head a royal estate, and belonging to it; here are free tenures each taxed in support of the royal ferm; here is the rate of 32*d.* on the carucate (corresponding to the hide in the south). These, then, are fiscal hundreds, areas for the assessment and collection of the royal ferm. Their more perfect survival in this region may be due to its late conquest by the Saxon kings, and so to a more recent grafting of the Saxon tax upon it, or to the fact that the Six Hundreds had been kept in royal hands without any alienating of the tax and disturbing of the hundred-organization by the distribution of their estates among other lords. Or again it may reinforce a suggestion made elsewhere, that in this, a Danish region, a customary Danish tax upon the hundred in support of the king, which was characteristic of Denmark,<sup>3</sup> may have been levied before the Saxon conquest, and merely continued by the Saxon conqueror, especially since it was similar to the royal ferm-tax in the south. It may have been at this juncture that the Saxon 'hide' was introduced into the region as a means of bringing the assessment of these hundreds into uniformity with the rest of the kingdom.

<sup>1</sup> For the above see *ante*, xxxv. 78-89.

<sup>2</sup> *Ibid.* 62-72.

<sup>3</sup> *Ibid.* 89.

There remain certain appearances in the records of the Six Hundreds, which now may be more easily accounted for than before. First the values attached to freemen's holdings need explanation. It is an obvious fact that such values are multiples of 32*d.* Further, except for a few cases, the value of an estate is proportioned to the number of carucates in it, one carucate being worth 32*d.*, two carucates 64*d.*, and so on. It would seem likely therefore that these values represent the amount of ferm-tribute, the carucate-geld of this region, given by each estate to the capital manor of the hundred at the rate of 32*d.* on the carucate. Mr. Farrer in the *Victoria County History* for Lancashire, working with the exceptions, holds another opinion, concluding that, in addition to the regular geld of 32*d.*, a rent of 32*d.* was charged on the carucate, so that normally each one paid 64*d.*<sup>1</sup> The values in Domesday represent accordingly rents, not the carucate-geld. I am inclined to believe, on the other hand, that the values recorded do without exception represent the amount of carucate-geld given at one time to the ferm of the king. The values in Derby hundred with the corresponding carucage range as follows in the time of King Edward :

*1 hide	= 6 car.	= 20 <i>s.</i>	= 240 <i>d.</i>	= 32 × 7½
*1 virg. + ½ car.	= 2 car.	= 4 <i>s.</i>	= 48 <i>d.</i>	= 32 × 1½
*1 virg. + ½ car.	= 2 car.	= 4 <i>s.</i>	= 48 <i>d.</i>	= 32 × 1½
1 hide	= 6 car.	= 16 <i>s.</i>	= 192 <i>d.</i>	= 32 × 6
*½ hide	= 3 car.	= 10 <i>s.</i>	= 120 <i>d.</i>	= 32 × 3¾ (or 30 × 4)
* 2¾ car.	= 8 <i>s.</i>	= 96 <i>d.</i>	= 32 × 3	
½ hide = 3 car.	= 8 <i>s.</i>	= 96 <i>d.</i>	= 32 × 3	
½ hide = 3 car.	= 8 <i>s.</i>	= 96 <i>d.</i>	= 32 × 3	
½ hide = 3 car.	= 8 <i>s.</i>	= 96 <i>d.</i>	= 32 × 3	
½ hide = 3 car.	= 8 <i>s.</i>	= 96 <i>d.</i>	= 32 × 3	
2 car.	=	= 64 <i>d.</i>	= 32 × 2	
1 car.	=	= 32 <i>d.</i>	= 32 × 1	
½ hide = 3 car.	= 8 <i>s.</i>	= 96 <i>d.</i>	= 32 × 3	
2 car.	=	= 64 <i>d.</i>	= 32 × 2	
½ hide = 3 car.	= 8 <i>s.</i>	= 96 <i>d.</i>	= 32 × 3	
2 car.	=	= 64 <i>d.</i>	= 32 × 2	
1 car.	=	= 30 <i>d.</i>	=	(30 × 1)
2 car.	=	= 64 <i>d.</i>	= 32 × 2	
2 car.	=	= 64 <i>d.</i>	= 32 × 2	
1 car.	=	= 32 <i>d.</i>	= 32 × 1	
*4 car.	= 10 <i>s.</i>	= 120 <i>d.</i>	= 32 × 3¾ (or 30 × 4)	
2 car.	=	= 64 <i>d.</i>	= 32 × 2	
2 car.	=	= 64 <i>d.</i>	= 32 × 2	
1 car.	=	= 32 <i>d.</i>	= 32 × 1	
1 car.	=	= 32 <i>d.</i>	= 32 × 1	
1 car.	=	= 32 <i>d.</i>	= 32 × 1	

<sup>1</sup> *Victoria County Hist., Lancaster*, i. 276.

	*2 car.	= 8s.	= 96 <i>d.</i> = 32 × 3
* $\frac{1}{3}$ hide	= 3 car.	= 10s.	= 120 <i>d.</i> = 32 × 3 $\frac{3}{4}$ (or 30 × 4)
* $\frac{1}{3}$ hide	= 3 car.	= 10s. 8 <i>d.</i>	= 128 <i>d.</i> = 32 × 4
* $\frac{1}{2}$ hide	= 3 car.	= 10s. 8 <i>d.</i>	= 128 <i>d.</i> = 32 × 4
	*2 car.	= 10s.	= 120 <i>d.</i> = 32 × 3 $\frac{3}{4}$ (or 30 × 4)
	* $\frac{3}{4}$ car.		= 64 <i>d.</i> = 32 × 2
(2 manors)	$\frac{3}{4}$ car.	= 2s.	= 24 <i>d.</i> = 32 × $\frac{3}{4}$
	1 car.		= 32 <i>d.</i> = 32 × 1
	*2 car.	= 8s.	= 96 <i>d.</i> = 32 × 3

The exceptional values in this list recall the ferm-custom of estates in Devon which, being multiples of 15*d.*, showed a frequent render of 30*d.*, though with no corresponding proportion between hidage and render such as appeared in Somerset. Since I believe that the rating of the ferm on the hide would have continued to show in Devon as in Somerset, had not the hidage been changed later (though the ferm payments continued as of old), perhaps in the assessment of Danegeld, so in Derby hundred it may well be that values represent an old carucate-geld account once paid at the rate of 32*d.* on the carucate, though later the carucage had been changed. Each estate continued to pay the older customary amount in King Edward's day, or might be subject to pay it being so valued, even though the carucage had been modified. The fact that all values are multiples of 32*d.* leads me to this conclusion in the first place; and, secondly, there are but thirteen<sup>1</sup> out of thirty-five estates in which the proportion between carucage and value does not hold. Of the thirteen, ten show a reduction in carucates. I believe therefore that we are dealing with a modified, largely a reduced, carucage, and that if the reduction was made in the time of King Edward and affected the values or payments in his time, its effect was purposely disregarded in the Domesday record in order to show the larger amounts the majority of manors had formerly been able to give. On the other hand, it is possible that the carucage was changed after his day so that all values recorded were those actually customary throughout the Confessor's time. Such a geld-rate of 32*d.* appearing in the values of Derby hundred may throw light on what seemed a rate of 30*d.* in Devon, the more so since 30*d.* was due from one carucate in Derby, and in another case four carucates rendering ten shillings may have done so at the rate of 30*d.* apiece.

The three hides in Derby hundred, which by special reference were declared free of the carucate-geld but against which values are recorded, are no exception to this theory. They are rather older payments allowed to stand and so illustrative of the reduced carucage; for in the body of the text, of the eleven manors among which the three hides were distributed, one being waste and

<sup>1</sup> Those starred above in the table.

valueless, another continuing to pay 32*d.* for its single carucate, a third paying, at the rate of 32*d.*, 2*s.* on six bovates, the remaining eight all made payment higher than what the carucage warranted. These payments added together are, I believe, the 'census' which King Edward remitted to the thegns in possession of the estates, the £4 13*s.* 8*d.* which correctly added by single items is £3 7*s.* 4*d.* At one time in the Confessor's day, I take it, they had paid geld, the 'census', but later they were quit of it. When they were freed from the carucate-geld, however, they were subjected to other customs from which they had been free. A special reference is made to this change. From having been 'free of all customs but geld' earlier,<sup>1</sup> they were now liable to all customs but fines for bloodshed and rape, and the carucate-geld.<sup>2</sup> Since they were liable 'to all other customs', this should mean customary renders and services due from men in the hundred, services in the king's fields and forest and at his hall and courts. I believe, then, that one tenure was recorded in the body of the text, and another, a changed one, appended in the special reference. Once they gave nothing but geld, their recorded value in King Edward's day.<sup>3</sup> As for the reduction in carucage which concerns the three hides more than any others in the hundred,<sup>4</sup> it is no more certain whether the change took place in the Confessor's time or at the Conquest, than it is in other estates. If King Edward had lowered the carucage on which the geld was paid, then the older renders were allowed to stand to show the former and larger capacity of the land. It would have been but a further and final step in the reduction to remit geld altogether. If, on the other hand, the Conqueror was responsible for the change, then the values recorded should have been given down to the time of King Edward's special dispensation. The Conqueror may have reassessed the manors whether he gathered the carucate-geld according to the new

<sup>1</sup> 'Haec terra quieta fuit praeter geldum.' Also 'Omnes hae terrae geldabant et xv maneria nil reddebant nisi geldum regis Edwardi'. Besides the manors in the three hides, the fifteen manors mentioned include 'Hitune et Torboc' and 'Chirchedele'.

<sup>2</sup> 'In Oringemele et Herleshala et Herletuna erant iiii hidae quietae a geldo carucatarum et a forisfactura sanguinis et feminae violentia. Alias vero consuetudines reddebant omnes.'

<sup>3</sup> Two other manors in Derby hundred had their services changed by King Edward, though they always paid geld. In the body of the text 'Croseby' and 'Chirchedele' are listed as manors of Ughtred. Of 'Chirchedele' (Kirkdale) it is there recorded 'ibi dimidia hida quieta ab omni consuetudine praeter geldum'. But in an appended special reference both these manors held by Ughtred are referred to as 'free of all custom except these six, breach of the peace, premeditated assault (*forestel*), house-breaking (*heinfara*), renewing a quarrel after having sworn to stop, failure to pay a debt when condemned to do so by the reeve, and not appearing at the time set by the reeve'. In addition to fines for such cases they 'paid the king's geld together with the men of the country'.

<sup>4</sup> Of thirteen modifications in carucage, eight occur on the manors in the 'three hides', all of them reductions (pp. 166-7 above).

assessment or not. All told, and allowing for the three manors whose carucage was increased, the change in the carucage of Derby hundred amounts to a reduction of some 9½ carucates.<sup>1</sup> It may be on account of this change that the estates in Derby hundred are so particularly enumerated in the Domesday survey, whereas the other five hundreds are more briefly recorded.

When in Devon there was a disparity between hidation and ferm-renders in spite of prevailing proportion among the latter, it seems probable not only that a new had overlaid an older hidation upon which the ferm had been assessed, but also that the new hidation had occurred in assessing Danegeld,<sup>2</sup> a great tax superseding in importance the old royal ferm. Similarly in the Six Hundreds the levy of Danegeld may account for the changed carucage, a levy which may or may not have been followed by the actual payment of Danegeld. It is believed indeed that Danegeld had been levied and collected from these demesne hundreds.<sup>3</sup> Certainly the phrase 'geldum vero regis sicut homines patriæ solvebat' would seem to bear this out. And again at first sight Danegeld would seem to be implied in the double reference to the three hides in Derby hundred, which at one time were 'free of all custom but geld', and again were expressly 'free of the census', the carucate-geld. The geld they had paid would seem to be Danegeld. If Danegeld were levied on the Six Hundreds, it is quite probable that the carucage was changed at that time, or in connexion with its latest assessment.

On the other hand, it is possible that Danegeld had never been levied, or at any rate never been collected from the Six Hundreds through the time of King Edward at least, his demesne continuing to give him regularly that older substantial defence, the carucate-geld or royal ferm. 'Geld' in this region may refer consistently to the carucate-geld; for, as I have shown above with reference to the three hides, since there had been a change in the tenure by which they were held, it seems probable that 'geld' in both tenures was the carucate-geld.<sup>4</sup> It may again be observed that 'geld' in Derby hundred was referred to as the 'geldum regis Edwardi'. Now it may well be that the ferm or carucate-geld was being more regularly, more largely, given by men of King

<sup>1</sup> These carucates may account for the one hide missing to make the full 480 carucates or 80 hides in the Six Hundreds. See *D. B.* 270 'In his vi hundredis . . . sunt quattuor xx hidae una minus'; cf. also *Lanc. Pipe Rolls and Early Charters*, *Introd.*, p. x; also *Chetham Soc.*, n.s., lxxv. 6.

<sup>2</sup> Cf. *supra*, p. 167, and *ante*, xxxv. 81, 82 and foot-note.

<sup>3</sup> See *Trans. Lanc. and Chesh. Antiq. Soc.*, vol. xvi, 'Notes on Domesday Survey of Land between the Ribble and Mersey', by W. Farrer; also *Chetham Soc.*, n.s., vol. lxxv, 1916, 'Domesday Survey of Cheshire', by J. Tait. The Domesday text is also so interpreted and translated in *Victoria County Hist., Lancaster* ('Introd. to Domesday Survey').

<sup>4</sup> pp. 162-3 above.

Edward's day than has been conveyed to us specifically by Domesday.<sup>1</sup> 'Homines patriae', men of the country, may have been more or less generally subject to it in his time. To say of the tenants of Crosby and Kirkdale manors in Derby hundred that 'they gave the king's geld just as the men of the country' may refer merely to the ferm. The 'geldum regis Edwardi' may have been a particular geld, ferm-geld, not the Danegeld at all. So, lastly, certain holders of manors in Salford hundred were free not only of all other customs but geld as well: 'aliquae harum terrarum erant quietae ab omni consuetudine praeter geldum, et aliquantae a geldo sunt quietae.'<sup>2</sup> This exemption from 'geld' may be similar to that granted by King Edward to the three hides in Derby hundred, to be quit of the 'census', the carucate-geld. I am inclined to believe that 'geld' in the Six Hundreds for the time of King Edward refers to the 'geldum carucatarum' throughout, and that this ferm-tax was the 'geldum regis Edwardi'.<sup>3</sup> It may even be that the Saxon hide was introduced into the north as a group of six geld-paying carucates merely in the levy of the ferm with which the hide was connected in the south. The hide may have had no more original connexion with a Danegeld levy in this region than I believe it had as a fiscal measure with the Danegeld levy in the south.

In summary, therefore, I look upon the Six Hundreds as affording evidence with regard to the royal ferm complementary to that of the rest of England, enlarging it and in turn explained by it. It confirms the evidence that there was an old and important ferm-levy or geld existing throughout the time of King Edward whereby it would seem every hundred was taxed, such tax being apportioned among free tenures according to an estimate of carucates in the north, according to an estimate of hides in the south. The hundred was thus an area within which to concentrate the collection of the ferm and likewise a means of apportioning the assessment. Whether such a system of assessment surviving in almost complete regularity in the Six Hundreds so late as the time of King Edward was or was not a relic of more ancient Danish custom is a question which cannot be decided. In any case the tax was continued, if not originated, by Saxon kings and assessed and collected according to a method prevailing in Saxon England, where a similar, if not the same, tax had been a considerable part of the royal revenue.

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<sup>1</sup> See *ante*, xxxiii. 66 ff.

<sup>2</sup> *D. B.* 270.

<sup>3</sup> It is not necessarily to be inferred as a result that the Six Hundreds had not been assessed to Danegeld in the Conqueror's reign or even earlier. Ferm-paying tributaries in Somerset and Devon had likewise been assessed to Danegeld.

## *The Origin of the Cabinet Council*

**F**ORTY-SIX years ago a writer in *Notes and Queries*<sup>1</sup> asked when the term 'Cabinet Council' was first used, and in what book the phrase first occurred. A few responses were published which called attention to the passage in Bacon's essay, to a sentence in Fuller's *Church History*, to a book of the Commonwealth period, and to mention in *Hudibras* and Evelyn's *Memoirs*. When in 1902 Miss Blauvelt wrote her *Development of Cabinet Government* she began with the period of 1688. To students of the seventeenth century it has long been known, however, that the history of the cabinet council in England goes back considerably beyond the time of James II and William. There is already some monographic account of the cabinet just after the Restoration; and readers of Clarendon and of earlier writers know that a cabinet was talked about in England a generation before 1660. In the *New English Dictionary* the lexicographers have assembled some admirable instances of the early uses of the word. The ground has been prepared for a definitive study of the subject.

Chroniclers of the history of words trace 'cabinet', together with the related term 'cabin', back through the Italian *gabinetto* and the Spanish dialect-form *gabinete*—meaning 'press', 'chest of drawers', 'closet', 'small room'—to the late Latin word *capanna*. In the seventh century Isidore of Seville writes that a *turgurium* is a little house; the rustics call it *capanna*.<sup>2</sup> Readers of Boccaccio will recall that in the convent garden Masetto was conducted to a *capannetto*.<sup>3</sup> Coming down from medieval Latin through Italian the word appears in the sixteenth century as *gabinetto*, *gabinete*, *cabinet*. In English it appears before 1600 as 'cabanet' or 'cabinett', and one of its significations then is a small room. In 1607 a description of the earl of Salisbury's house enumerates among others the great chamber, the middle chamber, the 'Cabinet chamber'.<sup>4</sup> Twenty years later a writer

<sup>1</sup> 5th ser., v. 29 (1876).

<sup>2</sup> 'De ædificiis rusticis . . . Turgurium casula est quam faciunt sibi custodes vinearum ad tegimen sui, quasi tegurium, . . . Hanc rustici capannam vocant, quod unum tantum capit' (S. Isidori Hispalensis Episcopi *Etymologiarum Libri XX*, lib. xv, c. xii).

<sup>3</sup> *Decamerone*, iii. 1.

<sup>4</sup> State Papers, Dom., James I, xxvi, 25 January 1606/7.

hostile to Queen Henrietta Maria says of her counsellors that 'their obscenities and bawdye talke at table and in Cabinet is their sauce to all the rest'.<sup>1</sup> In 1628 Abraham Vanderdort holds among other petty offices the 'Keep of his Ma<sup>y</sup>. Cabinett Roome att St. James'.<sup>2</sup> 'Now your business begins to take for the better,' Lord Goring writes from Paris to the queen of England in 1644, 'since my rencontre with the Cardinal, by the Queen's private order, in his close Cabinet.'<sup>3</sup> In 1659 a report concerning the rooms of Hampton Court and their contents mentions 'the late King's Cabinet';<sup>4</sup> and visitors to Hampton Court nowadays pass through many a little room described as 'cabinet' when they go from one large chamber to another.

From the beginning of the seventeenth century also writers of Italy, England, and France speak of a 'cabinet council', meaning evidently a small council of advisers meeting apart from the larger council of state, privately, as it were, in the king's cabinet. The earliest, perhaps, and certainly the most famous instance in English is the well-known passage which Bacon wrote not later than 1612 and perhaps as early as 1607:<sup>5</sup>

The inconveniences that have beene noted in calling, and vsing Councell are three—first the revealing of affayres whereby they become lesse secrett. Secondly the weakening of the authoritie of Princes, as if they were lesse of themselves; Thirdly the daunger of being vnfaithfullie councelled, and more for the good of them that counsell, then of him that is councelled. for w<sup>ch</sup> inconveniences the doctrine of *Italie*, and practive of *Fraunce* hath introduced *Cabanett* Councelles, a remedy worse then the disease, w<sup>ch</sup> hath tourned *Metis* the wife, to *Metis* the Mistresse, that is the councelles of State to w<sup>ch</sup> Princes are solely marryed, to counsellors of gracious persons recommended chiefly by flattery and affection. But for secrecie, Princes are not bound to communicate all matters w<sup>th</sup> all Councello<sup>rs</sup>, but may extract, and select. Neither is it necessarye, that he that consulteth, what he should doe, should declare what he will doe; But lett Princes beware that the vnsecreting of their affayres come not from themselves; and as for *Cabanett* Councell It may be their Mot plenius rimarū sum. . . .

It is interesting to observe that the phrases are printed 'Cabanet counsels', 'Cabanet Counsell' in the edition of 1612; 'Cabinet Counsels', 'Cabinet Counsells' in the edition of 1625.<sup>6</sup> In an Italian version about this time the translator's rendering is 'Consiglio di Cabinetti' and 'Consiglio del Cabinetto'.<sup>7</sup> A

<sup>1</sup> State Papers, Dom., Charles I, xxxii, 31 July 1626.

<sup>2</sup> *Ibid.* cv, 3 May 1628.

<sup>3</sup> *Clarendon State Papers* (Oxford, 1767-86), ii. 163.

<sup>4</sup> State Papers, Dom., Interregnum, cciii. 41.

<sup>5</sup> Harleian MS. 5106, fo. 21.

<sup>6</sup> Edward Arber, *A Harmony of the Essays, . . . of Francis Bacon* (London, 1871), pp. 316-19.

<sup>7</sup> *Saggi Morali del Signore Francesco Bacono* (Londra, 1618), pp. 22, 23.

French translation has it 'conseils de Cabinet' and 'conseil de Cabinet'.<sup>1</sup> The Latin version of 1638 gives 'Interiora, quae vulgo vocantur Cabinetti'.<sup>2</sup>

In 1611 John Speed, the historian, writes of Henry II that he chose for himself 'a Body of Counsell' from the most eminent prelates and chiefest of the laity, 'but for a Cabanet-Counsellour at all times, he had his owne mother, *Matildis* the Empresse'.<sup>3</sup> About the same time Raleigh is said to have composed a book on the subject: *The Cabinet-Council*.<sup>4</sup> In the seventh chapter of this work—'Of councils, and counsellors in general,' Raleigh says: 'Note also, that in every state, of what quality soever, a secret or cabinet-council is mainly necessary.' And he adds further on:

Many princes, ancient and modern, have used to select out of their council two or three, or four at most, to whom only they did impart their affairs. Example; The emperor Augustus had Mecænas and Agrippa; Julius Cæsar, Q. Pædus and Cor. Balbus, whom he only trusted with his cipher and secrets, being counsellors of the Cabinet (as we now call them).<sup>5</sup>

He might have added that in his own lifetime Henry IV had been doing this in France.

That there was such a group in England also at this time is not improbable; but no direct evidence has yet been discovered that the term 'cabinet' was applied to it here so early. In 1613 the Spanish ambassador is said to have sent back an account of the English court: 'In this Kingdome, there is only one Councell, in w<sup>ch</sup> all businesses are treated.'<sup>6</sup> Nevertheless the idea and the name of 'cabinet' used with reference to government had some currency in England. In 1610 James I declared in one of his proclamations that there was nothing not searched into: 'Men not being contented with the knowledge of so much

<sup>1</sup> *Essays Moraux, du Tres-Honorable Seigneur François Bacon* (Londres, 1619), pp. 36, 37.

<sup>2</sup> Arber, pp. 318, 319.

<sup>3</sup> *The History of Great Britaine, &c.* (London, 1611), p. 456.

<sup>4</sup> *The Cabinet-Council: Containing the Chief Arts of Empire, and Mysteries of State; Discabineted in Political and Polemical Aphorisms, Grounded on Authority and Experience, &c.* Published by John Milton. The treatise is included in the edition of Raleigh's *Works* (Oxford, 1829). In a prefatory note Milton declared that for many years he had had in his hands the manuscript written by Raleigh, and lately finding it by chance again among other books and papers, he had read it over, and thought it should not be withheld from the public (Raleigh, *Works*, viii. 35, 36). A great many of Raleigh's writings were left in manuscript. 'Mr. Hamden' is said to have declared that a little before the civil wars he had paid for the transcribing of 3,452 sheets of such writings (*Notes and Queries*, 5th ser., v. 49). Raleigh was beheaded in October 1618.

<sup>5</sup> *Works*, viii. 45, 146.

<sup>6</sup> State Papers, Foreign, Spain, xx, 22 September 1613.

of the Will of God, as it hath pleased him to reueale ; but they will needs sit with him in his most priuie Closet, and become priuie to his most inscrutable Councils.' Small wonder, therefore, that they invaded the mysteries of kings and princes.<sup>1</sup> Two years later the French ambassador writes that several Scots held positions at court, among others 'un Secrétaire du Cabinet'.<sup>2</sup> About this time a petitioner writing in French begs James for a pension : if it is granted he will give the state the benefit of knowledge which he has obtained from the greatest cabinet of Europe.<sup>3</sup> In 1620 the French ambassador to England reports that in the cabinet it is said the envoys from Germany are instructed to sow disunion among the Protestant princes.<sup>4</sup>

The first unmistakable allusion to a cabinet council by an Englishman writing about England occurs in a letter of John Chamberlain in 1622. It is well known that during this period Sir Dudley Carleton was ambassador from England successively to various European courts, during all of which time he hoped some day to be recalled to a post of importance at home. While abroad he constantly kept himself acquainted with the doings at the English court through the letters of various correspondents, of whom, perhaps, the best-informed was John Chamberlain. In 1622 Chamberlain tells him :

Some speake of a choise cabinet counsell to be selected out of the body of the whole table, to whom matters of most secrecie and importance are to be committed, in w<sup>ch</sup> number the Prince, the Duke, both the marquises, the L. Treasurer, L. chamberlain, L. marshall and Secretarie Caluert are nominated.

And on the back of this letter is the endorsement : 'A Choyce of a Cabinet Councill selected out of whole Table.'<sup>5</sup> Curiously enough one of the Venetian ambassadors writes in the same year that the government of England resides in the king, the favourite, the prince, and four or five of the cabinet.<sup>6</sup> Next year Chamber-

<sup>1</sup> State Papers, Dom., James I, clxxxvii. 14.

<sup>2</sup> Transcripts from Paris, xlv. 275.

<sup>3</sup> 'Une science experimentale qu'il a par long espace de temps puissee du plus grand cabinet de l'Europe, où se traictent et resoluent les plus importants negoces en matieres d'estat, et concernant la reduction et subiugation des Royaumes et Provinces' (State Papers, Dom., James I, lxxviii. 93 (1614 ?)).

<sup>4</sup> 'On va tousjours assurant icy en public, que Mess<sup>rs</sup>. les Ambas<sup>rs</sup>. d'Allemagne ne portent aucune Instruction pour l'accomodement de l'affaire de Bohesme : mais on dit au Cabinet, qu'ilz sont chargez d'essayer à désunir les Princes Protestans' (Transcripts from Paris, liii. 112).

<sup>5</sup> State Papers, Dom., James I, cxxxi, 8 June 1622.

<sup>6</sup> 'L'essenza del governo ristretta solo in Sua Maestà e nel favorito, con partecipazione di molto ma non di tutto al sig. principe, per tenerlo senza disgusto e documentarlo per la futura sua reggenza, ed a 4 o 5 del gabinetto' ('Relazione d'Inghilterra di Girolamo Lando' in Barozzi and Berchet, *Relazioni Veneti* (Venice, 1856-78), 4th ser., i. 247, 248).

lain says that 'the cheife of the counsaile', he believes, are named to treat with the Spanish commissioners about the marriage of the prince and the infanta.<sup>1</sup>

In 1623 the poet Massinger makes the first of his striking allusions to the cabinet council. In several plays during the next decade Massinger speaks of the cabinet as though the idea was well fixed in his mind. It is interesting to recall that his father had been house-steward to the second and also to the third earl of Pembroke, and that the dramatist himself is described as servant to Philip, the fourth earl; that this fourth Pembroke was an important member of the privy council, and, as will be shown, one of the powerful group of five which Charles constituted in 1625, and later a member of the all-important committee of foreign affairs. It may be that in the great man's household were heard many comments on the arrangement now in vogue at court. In the *Duke of Millaine* (1623) two of Massinger's characters are made to say: <sup>2</sup>

*Stephano*: You neuer heard the motiues that induc'd him,  
To this strange course ?

*Tiberio*: No, those are Cabinet counsels,  
And not to be communicated, but  
To such as are his owne, and sure ; Alas,  
We fill vp emptie places, and in publike,  
Are taught to giue our suffrages to that,  
Which was before determin'd ; . . .

In 1624 Sir Francis Nethersole, another of Carleton's correspondents, writes that the Dutch ambassadors were striving to induce James to join the States in sending out a fleet against the Spaniards, but that the king hesitated. However, 'one of the Cabinet hath told me that the P. and my L. D. will naut of their wish if they gayne not that poynt also ere long'.<sup>3</sup> Later on that year the French ambassador, recounting an obstacle which had arisen concerning the marriage of the prince of Wales and Henrietta Maria, declares he said he did not suppose such a small matter would have gone up as far as the cabinet.<sup>4</sup>

Charles I at the beginning of his reign appointed from among his privy councillors a small committee of principal members to consider his most important business, and contemporaries called this the cabinet council. On 9 April 1625 the king issued a special commission to the lord treasurer (James, Lord Ley), the lord admiral (the duke of Buckingham), the lord chamberlain

<sup>1</sup> State Papers, Dom., James I, cxlvii, 28 June 1623.

<sup>2</sup> *The Duke of Millaine* (London, 1623), ii. 1.

<sup>3</sup> State Papers, Dom., James I, clxi, 31 March 1624.

<sup>4</sup> 'Je ne croyois pas que ce bruit de bassecourt vint au Cabinet' (Transcripts from Paris, lix. 199).

(the earl of Pembroke), Lord Conway, secretary of state, and Fulk, Lord Brooke, or any three of them :

Whereas the heads and principall points of State Contained in the Articles hereund<sup>r</sup> mencōned, are of Speciall consequence for o<sup>r</sup> hon<sup>r</sup> and service, the Setling of o<sup>r</sup> owne Estate, and Establishing the Governement of o<sup>r</sup> Kingdomes and dominions in safetie and peace. Wee out of o<sup>r</sup> assured confidence of yo<sup>r</sup> wisdomes fidelity and Circumspection, haue made speciall choice of yo<sup>u</sup>, To whom by this speciall warrant and private Comission und<sup>r</sup> o<sup>r</sup> Signe Manuall, wee haue thought fitt to cōmunicate the trust and reco<sup>m</sup>end the care of o<sup>r</sup> affaires of soe high nature & importance, Requiring and Authorizing yo<sup>u</sup> hereby to take the said articles, and all other articles and directions, w<sup>ch</sup> yo<sup>u</sup> shall hereafter receiue from us under o<sup>r</sup> Signe Manuall into serious consideration, and to treat, consult, debate, and resolute from time to time amongst yo<sup>r</sup> selues, what shalbe fittest to be done in each prticular for o<sup>r</sup> hono<sup>r</sup> and service and thereof w<sup>th</sup> the reasons of yo<sup>r</sup> Councell therein, to make report to us, by waie of humble advice, according to the great trust reposed in yo<sup>u</sup> by us, and y<sup>r</sup> faith and duetie by w<sup>ch</sup> you are bounden to us, that wee may giue such further order for putting the same in execution, as wee shall find most expedient. And these o<sup>r</sup> L<sup>r</sup>es shalbe yo<sup>r</sup> warrant concerning the premisses.

The business commended to them especially concerned foreign relations, particularly with Spain, whether an alliance was to be made with France, and what measures were to be taken for the recovery of the Palatinate ; the establishing and equipping of an army ; and the improvement of the condition of the navy.<sup>1</sup> Within a fortnight Chamberlain knew of this. 'We talke', he writes, 'of a selected or cabinet counsaile whereto none are admitted but the D. of Buck: the Lord Treasurer .L. chamberlain .L. Brooke and the .L. Conway.'<sup>2</sup> Shortly after this Walter Yonge wrote in his diary : 'June, 1625, the King made choice of six of the nobility for his *Council of the Cabinet*.' Yonge was doubtless recording at a distance gossip which had reached him. He names correctly Buckingham, Pembroke, and Conway ; he includes wrongly the archbishop and Montgomery ; and leaves a blank for the name of a sixth member he supposes was chosen.<sup>3</sup>

During this and the following years the ambassadors of France and of Venice in London continue to make allusions to the cabinet or cabinet council. In December 1625 Blainville suggests vigorous action on the part of France, for, he says, the favourite is attacked in parliament, and the council is divided in the interests of cabinet and court.<sup>4</sup> An emissary tells Richelieu next August<sup>5</sup> that the

<sup>1</sup> State Papers, Dom., Charles I, i, 9 April 1625.

<sup>2</sup> Chamberlain to Carleton : State Papers, Dom., Charles I, i, 23 April 1625.

<sup>3</sup> *Diary of Walter Yonge, Esq.* (Camden Society, 1848), p. 83.

<sup>4</sup> Transcripts from Paris, lxii. 207.

<sup>5</sup> 'Le Cabinet d'en hault nous trouble fort' (*ibid.* lxiv. 124).

high cabinet makes trouble with respect to the affairs of the queen ; and he adds that the cabinet had treated the queen's servants hardly, hoping thus to stir up trouble with France.<sup>1</sup> 'The absence of the cabinet ministers necessarily delays the execution of your excellencies' commands,' says Alvise Contarini in December 1626, at a time when several members of the council were in the country trying to collect the subsidies for the king.<sup>2</sup> In June 1627 he writes that when news arrived of a large Spanish fleet making for Dunkirk, the king 'two hours after midnight called a cabinet council', where it was determined that the duke should put to sea with such ships as were ready in the Downs.<sup>3</sup> Somewhat later he can give no news about the English fleet, since the advices which come from the duke 'never get out of the king's cabinet' ('dal Gabinetto del Ré').<sup>4</sup> When news arrived of Buckingham's defeat in Rhé, and when the populace rejoiced, the private council sat thrice in the cabinet of the king.<sup>5</sup> In 1628, after an audience which Contarini had had, some of the ministers told him that Charles spoke of him to the private council ('Gabinetto privato').<sup>6</sup> The ambassador mentions that the lord steward and the lord chamberlain were among the chief personages at court and in the king's cabinet.<sup>7</sup> 'Cabinet councils have been held very constantly, both by day and by night, the king being always present,' he writes in March 1629, just after the Speaker had been held in his chair in the commons. Counsel was divided : the lord keeper advised moderation ; the lord treasurer and others favoured the sternest measures.<sup>8</sup>

Elizabeth, queen of Bohemia and sister of Charles, in her exile and her great need of assistance from England, also kept herself informed through correspondents of the doings at court. Sir Thomas Roe writes to her in 1630 :

I am too new yet to venture upon any within England : where I am y<sup>e</sup> greatest stranger : and now M<sup>r</sup>. Controller [Sir Henry Vane], who is of the Cabinet, and one of those y<sup>t</sup> can read whispers, will both take up all yo<sup>r</sup> tyme, and is much abler to informe yo<sup>u</sup> what is thought in y<sup>e</sup> Court, then I can tell yo<sup>u</sup> what is done in Paules.<sup>9</sup>

A little later he tells the earl of Holland : 'I know how dangerous a boldness it is, to enter into y<sup>e</sup> Cabinet & Counsell of Princes.'<sup>10</sup>

<sup>1</sup> 'On m'a dit que le Cabinet d'en hault n'y avoit pas peu contribué, et qu'ilz ont creu par ceste estincelle rallumer les feux demi esteints de vostre Cour' (*ibid.* lxiv. 152).

<sup>2</sup> Venetian Transcripts, xiii. 22.

<sup>3</sup> *Ibid.* xiv. 457, 458.

<sup>4</sup> *Ibid.* xv. 632.

<sup>5</sup> *Ibid.* xv. 929.

<sup>6</sup> State Papers, Dom., Charles I, clxx, 14/24 July 1630.

<sup>7</sup> *Ibid.* clxxiii, 20 September 1630.

<sup>8</sup> *Ibid.* xiv. 552.

<sup>9</sup> *Ibid.* xv. 717.

<sup>10</sup> *Ibid.* xvii. 2209.

In 1632 Massinger's *Maid of Honour* was published. Again he makes pertinent allusion to the cabinet council : <sup>1</sup>

*Adorni* : May I presume to aske if the Ambassador  
Imploy'd by *Ferdinand*, the Duke of *Urbini*  
Hath audience this morning ?

[*Enter Fulgentio*]

*Astutio* : 'Tis uncertaine,  
For though a counsaylor of state, I am not  
Of the Cabinet counsaile. But ther 's one if he please  
That may resolve you.

Next year in his play *The Guardian* one of the characters says : <sup>2</sup>

I thank you, gentlemen, for your studied care  
In what concerns my honour ; but in that  
I'll steer my own course. Yet, that you may know  
You are still my cabinet counsellors, my bosom  
Lies open to you ; . . .

'I hope his Ma<sup>ty</sup> will not misinterprett my boldness, as an intrusion into his Cabinet ', says Roe about this time. <sup>3</sup>

In 1636 the Venetian ambassador writes back that nothing will cause a change in the pacific policy of the English cabinet. <sup>4</sup> Shortly afterwards he refers to the mutability and confusion in the foreign policy of the cabinet council. <sup>5</sup> In February 1640 the earl of Northumberland stated that the Scots commissioners had just been heard 'before the King & Cabinet Councell by way of Petition' ; <sup>6</sup> and a fortnight later the writer of a newsletter said the same thing. <sup>7</sup> The Venetian ambassador wrote that the cabinet consists of eight members. <sup>8</sup> The commissioners themselves reported that they had 'had a hearing befor his Majesty and these of the private Committy or Cabin Counsell in England'. <sup>9</sup>

The description of the cabinet in 1640 by Clarendon, writing this portion of his work about 1648, is well known : <sup>10</sup>

The bulk and burden of the State affairs, whereby the envy attended them likewise, lay principally upon the shoulders of the lord archbishop of

<sup>1</sup> *The Maid of Honour* (London, 1632), i. 1.

<sup>2</sup> *Works* (edition of Gifford, London, 1840), ii. 3.

<sup>3</sup> Letter to the earl of Holland : State Papers, Dom., Charles I, ccxlv, 21 August 1633.

<sup>4</sup> Letter of Angelo Correr, 11 April 1636 : Venetian Transcripts, xix. 158.

<sup>5</sup> Letter of 12 December 1636 : *ibid.* xviii. 224.

<sup>6</sup> Thomas Smith to Sir John Pennington : State Papers, Dom., Charles I, cccxlv, 20 February 1639/40.

<sup>7</sup> 'Yesterdaie the Scotch Commissio<sup>ns</sup> were heard before y<sup>e</sup> King & y<sup>e</sup> Cabinet Councell & behaued themselues verie discreetlie' (*ibid.* ccccxlvii, 30 i).

<sup>8</sup> Venetian Transcripts, xxiii. 10.

<sup>9</sup> *Historical Manuscripts Commission*, 12th Report, appendix, part viii, p. 26.

<sup>10</sup> Clarendon, *History of the Rebellion* (Oxford, 1888), i. 195, 196.

Canterbury, the earl of Strafford, and the lord Cottington; some others being joined to them, as the earl of Northumberland for ornament, the lord bishop of London for his place, being Lord High Treasurer of England, the two Secretaries, sir H. Vane and sir Francis Winnibanke, for service and communication of intelligence; only the marquis of Hamilton indeed, by his skill and interest, bore as great a part as he had a mind to do, and had the skill to meddle no further than he had a mind. These persons made up the Committee of State, (which was reproachfully after called *the Juncto*, and enviously then in the Court *the Cabinet Council*,) who were upon all occasions when the Secretaries received any extraordinary intelligence or were to make any extraordinary dispatch, or as often otherwise as was thought fit, to meet: whereas the body of the Council observed set days and hours for their meeting, and came not else together except specially summoned.

It was in this cabinet that Strafford is said to have spoken the words which afterwards brought him to the block: 'a discourse of the earl's in the Committee of State (which they called *the Cabinet Council*) upon the dissolution of the former parliament.'<sup>1</sup>

In February 1642, when the differences between parliament and king had become grave, an address was sent to the king:<sup>2</sup>

The Causes of our Misery and Danger we conceive to be these:

9. The Managing and Transacting the great Affairs of the Realm in private Cabinet Councils, by Men unknown, not trusted by the Wisdom of the Law, nor well-affected to the publick Good of the Kingdom:

The Remedies. . . .

7. That the great Affairs of the Kingdom may not be concluded or transacted by the Advice of private Men, or by any unknown or unsworn Counsellors; . . .

In June a petition of the lords and the commons to the king asked that the great affairs of the kingdom might not again be concluded or transacted by the advice of private men, nor by any unknown or unsworn counsellors; but that matters of state proper for the privy council might be debated and concluded there; that members of the privy council might be chosen with the consent of parliament; that no act of council should be considered valid unless approved by the major part of the council; that the number of members should be limited to not more than twenty-five, and that they might never be less than fifteen.<sup>3</sup> Again and again in the future would parliament attempt to establish the privy council after this fashion.

Substantially the cabinet council of England disappeared in the confusion of the years ensuing, not to be re-established

<sup>1</sup> *Ibid.* i. 290, 296.

<sup>2</sup> *Commons Journals*, ii. 443, 444

<sup>3</sup> *Ibid.* ii. 599.

until the period of the Restoration. Nevertheless allusions to a cabinet occur occasionally in the following years. In a newspaper of 1644 we find the words 'He saies, *He was a Locksmith, and a Minister too* ; I warrant ye then he is an able man, and can make keyes for the *Cabinet Councill at Oxford*'.<sup>1</sup> About 1649 John Selden or one of his associates expresses as well as can be what was then the recent history of the king's council. 'The sense of State,' he says, 'once contracted into a *Privy Council*, is soon recontracted into a *Cabinet-Council*, and last of all into a *Favourite* or *two* ; which many times brings damage to the publick, and both themselves and Kings into extreme *praecipices*.'<sup>2</sup> When Cromwell's power was thoroughly established, he was reputed to have a cabinet council. Abroad Secretary Nicholas received frequent information about affairs in England. In 1655 a correspondent replies to his inquiry 'concerning Cromwells cheife counsellors'. He says : 'I cannot tell how hee now orders his Counsell but w<sup>n</sup>: I was in Engl<sup>and</sup> I was assur'd (and that by a good hand) that S<sup>t</sup> John's and Thurlow (who was S<sup>t</sup>: Johns his Clerke, and by him preferd to Cromwell) w<sup>th</sup>: Laurence y<sup>e</sup> President of his Counsell, and Nath: Fines brought in by Laurence, were of his Cabinet.'<sup>3</sup> Charles, wandering abroad with the shadow of a privy council, was also said to have his cabinet council. Of Daniel O'Neill Nicholas himself writes that he is 'of the secret council', being a great confidant of Hyde's ; that there is no wisdom in making those not sworn to be secret privy to the secrets of state ; that this cannot but give great discontent to counsellors sworn. Again he writes : 'I know nothing of O'Neale's negotiations or employm<sup>ts</sup>, & conceaue it possible he (being of the Cabinet) may goe for Flanders.'<sup>4</sup> Another expresses surprise that any one would yet trust an important secret to Lord Newcastle. 'Nor can wee conjecture w<sup>ch</sup>. way, hee should haue it, unless by some of M<sup>r</sup>. Yorton's [duke of York's] people, who now talke as if they were of the Cabinett.'<sup>5</sup> But these pieces of information throw little light on the problems with which this study of government in the preceding period is primarily concerned.

The appearance of a cabinet council in England early in the seventeenth century was not unlike other phenomena in the history of English conciliar development : for a long time before there had been, and later there was usually, a very natural

<sup>1</sup> *Mercurius Britannicus*, 22 July 1644.

<sup>2</sup> Nathaniel Bacon, *An Historical and Political Discourse of the Laws and Government of England*, &c. (ed. 1739), p. 201.

<sup>3</sup> T. Ross to [Secretary Nicholas]: State Papers, Dom., Interregnum, cii, 29 December/8 January 1655/6.

<sup>4</sup> Nicholas to Joseph Jane: *ibid.* cxxv, 4/14 and 21/31 March 1655/6.

<sup>5</sup> Ross to Nicholas, 24 February/6 March 1657/8: State Papers, Foreign, Flanders, xxxii. 40.

tendency for the principal council of the state to enlarge, and so become less effective, and for a group of its most important members then gradually to form a smaller or inner council for the effective handling and secret dispatch of important affairs. Nor at the beginning of the seventeenth century was this phenomenon confined to England, but, as Raleigh and Bacon observed, it was characteristic of other great governments of their time. Small councils had grown up in the Italian states, and were familiar to Italian writers. A small powerful council of state had been seen in Spain. An inner council had been developed especially in France.

In 1595 one of the Venetian accounts of Spain describes the council of state, to which the king came every day, and which contained six councillors under him. The secrecy, says the writer, which prevailed in its handling of business was incredible.<sup>1</sup> The development of a cabinet council in Spain, however, as the Englishman, Roger North, long afterwards observed, was hindered because there was in Spain no large conciliar body like the privy council, dealing with government and administration in general, from which an all-powerful smaller council could emerge. Rather the functions of government were distributed among several small councils which worked separately under the king. In the time of Philip II there were eleven such councils: of the Indies, of Castile, of Aragon, of the Inquisition, of the chamber, of the orders, of war, of finance (*hacienda*), of justice, of Italy, of state.<sup>2</sup> All of them were directly subordinate to the king. It is well known that Philip II attended to a great deal of business himself in his own chamber, causing direction to be taken by his secretary to the council concerned. On the other hand, in the England of Elizabeth the business of the central government was mostly carried on by the queen with assistance of her privy council. In this council there were at times groups of more important members, and for dispatch of various kinds of business committees or sections were often appointed. Generally speaking, however, a great part of all the business of the central government, consisting of the numerous matters with which the government of a state is concerned, were

<sup>1</sup> ' Il consiglio di stato . . . e di questo è capo il principe, che entra ogni giorno in esso, sebbene vi si ferma poco. Gli altri poi che vi entrano, sono il cardinale Alberto, il conte di Fuensalida, il marchese di Velada, il duca di Chincon, don Christoforo di Mora, e don Giovanni Idiaquez. . . . Tutte le materie poi che si trattano in questo consiglio passano con incredibile segretezza, così quelle di poca come quelle di molta considerazione ' (' Relazione di Spagna di Francesco Vendramino ', 1595: E. Albèri, *Relazioni degli Ambasciatori Veneti* (Florence, 1846-62), 1st ser., v. 460).

<sup>2</sup> MS.: ' Sommario dell' ordine che se tiene alla corte di Spagna circa il governo delli stati del re cattolico ', cited in Ranke, *Fürsten und Völker von Süd-Europa* (Berlin, 1837), i. 152.

dealt with by the privy council. In 1623 a writer, describing the government of Spain, spoke of the council of state, the most prominent, and in addition of the councils of Castile, of Aragon, of Portugal, of Italy, of the military orders, of the Indies, of the treasury, and of the exchequer.<sup>1</sup>

In France the development of the councils was for some time not unlike that in England, and at the beginning of the seventeenth century a cabinet council emerged. Under the last of the Valois, indeed, the different services had tended to be separately organized; but, as in England, this tendency had not been carried very far. After 1578 there was a 'conseil d'état' and a 'conseil des parties' or 'conseil privé', though the members of the one and the other were all of them still known as 'conseillers au conseil d'état et privé'. In 1582 a 'section des finances', of nine members, was established. By the time of Henry IV the 'conseil' had not split up into completely autonomous bodies, as in Spain, but, with the same personnel, distinction in name was made with reference to the days of sitting and the nature of the business dealt with. That is to say, the 'conseil privé ou des parties' and the 'conseil d'état et des finances' had the same members and were both of them the 'conseil du roi'. Henry IV reduced the number in this council to twelve effective members, though others might have the title of councillors. This body of twelve, however, did not deal with his most secret and important affairs. Above them was a limited, informal council, into which the king admitted only his most intimate confidants, such as Sully, Pomponne de Bellièvre, Sillery, and Villeroy, his most skilful secretary of state.<sup>2</sup> This group met apart with the king in his gallery or, as he often preferred, walked about with him in his garden.

Sully has left an interesting account of his own activities in the councils of the king. Twice a week, he says, did the 'conseil d'Estat' hold its meetings. He always attended, going at seven in the morning to stay until ten o'clock or even eleven. Sometimes, on other days, the king sent for him between nine and ten o'clock, and walking with him alone or with him and with Villeroy and Sillery discussed his principal affairs and then gave his orders.<sup>3</sup> In another place he declares it was well known that

<sup>1</sup> *A True Relation . . . of the . . . Entertainment, Giuen to . . . Prince Charles . . . at Madrid* (1623): in *State Papers, Dom.*, James I, cxliii. 96.

<sup>2</sup> J. H. Mariéjol, in Lavissee, *Histoire de France*, vi, part i, pp. 220, 221; part ii, pp. 26, 27.

<sup>3</sup> 'Le Roy vous envoyoit quelquesfois querir dès les neuf à dix heures, lequel se promenant avec vous, tantost seul, tantost conjointement avec messieurs de Ville-roy et de Sillery, et discourant de ses affaires principales, vous faisoit entendre ses resolutions, et donnoit à chacun, selon vos professions et vos charges, ses commandemens pour ce que vous aviez à executer en icelles' (Sully, *Mémoires* (Petitot), vi. 41).

Henry communicated most of his important affairs to three principal ministers of state.<sup>1</sup>

The restriction of confidence and effective authority to a small number was, perhaps, a consequence of the constant tendency of the larger council to enlarge. Writing of 1605, Sully says that the king ordered the 'conseil d'Etat et des finances' to meet three times a week, morning and afternoon. In this council 'all the princes, dukes, peers, officers of the crown, governors, royal lieutenants in the provinces, and other gentlemen honoured with commissions from the king, had seat and right to be heard'.<sup>2</sup> So large a body might assist in deliberation or in formal routine, but not in rapid, effective planning or in swift decision. For this a smaller body would be needed. In 1608 the Venetian envoy says that the king of France was assisted by a council of seven, in which there were three principal members.<sup>3</sup> The king, he says, treats and resolves all his most important affairs, walking about in his gardens or elsewhere, with the advice merely of the chancellor, Rosny, and Villeroy.<sup>4</sup> These accounts are corroborated by others with slight differences of detail. A contemporary writing of 1610 says that Henry chose for the council in which he did all of his important business, the chancellor Bellièvre, Sully, Sillery, Villeroy, and the President Jeannin. There was nothing in which the king was not interested, and his care was such that a minister might always approach him about business, even in his hours of pleasure. Ordinarily the time appointed for meeting these councillors was in the morning before the king went to mass. Then he walked up and down—for dearly he loved his exercise—in the gardens or in a gallery, with the members of his council. His secretaries were at call, but did not venture to take part unless summoned to do so. 'There he took his resolutions about whatever was to be done, and there he gave orders to his councillors and secretaries of state.'<sup>5</sup> In 1610, just after Henry's death, another Venetian writer asserts that there were three councils: a large one, 'consiglio delle partite' ['conseil privé'], a smaller one, 'consiglio delle finanze' ['conseil d'état'], and a third, 'consiglio degli affari', in which the most important matters of state were treated. This council consisted

<sup>1</sup> 'Nous dirons que plusieurs sçavoient bien que vous estiez trois principaux ministres d'Etat ausquels le Roy communiqoit le plus des affaires d'iceluy' (*ibid.* p. 358).

<sup>2</sup> *Ibid.* p. 359.

<sup>3</sup> 'Il consiglio che il re riceve nelle cose più gravi ed importanti da suoi ministri è fondato sopra M. di Sillery, M. di Rosni e M. di Villeroy; nè altri hanno parte nelle grazie ed importanti deliberazioni se non accidentalmente' ('Informazione di Pietro Priuli' (1608): *Relazioni*, 2nd ser., i. 228).

<sup>4</sup> *Ibid.* p. 207.

<sup>5</sup> *Mémoires de Fontenay-Mareuil* (Michaud and Poujoulat, *Nouvelle Collection des Mémoires*, v), p. 18.

of those whom it pleased the king to choose. It had contained very few under Henry IV, the chancellor, the secretary of state, and Sully. Now it was larger.<sup>1</sup>

To this small group or body of councillors in France was gradually applied the term 'conseil de cabinet', doubtless because sometimes, at any rate, it met in the private chamber or *cabinet* of the king. In 1597 Sully gave certain advice to the king as he came out of his cabinet.<sup>2</sup> He himself frequently speaks of the intrigues of cabinet and court.<sup>3</sup> In 1608 Sully, summoned by the king to the Louvre, found him in the little cabinet of the queen, and there a small council was held.<sup>4</sup> Next year the ambassador from Savoy had audience in this cabinet.<sup>5</sup> That same year Sully proposed that the king should keep his letters, state papers, and necessary books in his 'cabinet des livres' in the Louvre.<sup>6</sup> In other passages he speaks of the king receiving different persons there, and doing various kinds of business of state.

After the death of Henry his queen for a while carried on the government in the manner which he had established, holding each morning a small council of the chancellor, Sully, Villeroy, Jeannin, and the four secretaries of state, in presence of the three princes of the blood. At first the meetings were held in a large chamber (*cabinet*); afterwards in the room beside the ante-chamber of the king. Later in the day another, larger council was held; but these larger meetings were rather for form, and to content their members, namely the princes, dukes, and officers of the Crown. In the larger councils nothing was brought forward on which the principal ministers had not already agreed, and the other members never opposed them.<sup>7</sup> Later, Louis XIII held his principal council at the Louvre in the 'cabinet des livres', or in other rooms there or at Fontainebleau.<sup>8</sup> Several writers mention the king's secret council, and meetings of the ministers in his cabinet.<sup>9</sup> In January 1611 Condé made a declaration in

<sup>1</sup> 'Relazione di Andrea Gussoni e Agostino Nani' (1610): *Relazioni*, 2nd ser., i. 463, 464, 470.

<sup>2</sup> *Mémoires*, iv. 366.

<sup>3</sup> 'Or, nous estant revenu en memoire plusieurs broüilleries et intrigues de Cour, de chambre et de cabinet, qui se passerent cette année' (*ibid.* v. 211; also vi. 291).

<sup>4</sup> 'Arrivant au Louvre, vous trouvastes le Roy dans le petit cabinet de la Reine, où il y avoit long-temps que messieurs de Sillery et Ville-roy estoient arrivez' (*ibid.* vii. 384).

<sup>5</sup> L'ultima udienza che ebbe l'ambasciatore di Savoya gliela diede il re con favore straordinario nel gabinetto della regina' (Dispatch of Antonio Foscarini, 14 September 1609: *Relazioni*, 2nd ser., i. 313).

<sup>6</sup> *Mémoires*, viii. 73.

<sup>7</sup> Fontenay-Mareuil, p. 35.

<sup>8</sup> Louis Batiffol, *Le Roi Louis XIII à Vingt Ans* (Paris, 1910), p. 147, on the authority of various manuscripts of 1620 and 1623.

<sup>9</sup> 'Au sortir du Conseil des Dépêches les Ministres étant montez au Cabinet du

presence of the principal ministers in the cabinet of the queen.<sup>1</sup> About 1614 a satirist declares that when Vulcan wishes to treat of secret and important affairs for the reformation of the monarchy he takes all the demi-gods apart with him into a well-prepared cabinet.<sup>2</sup> In the next year there is mention of a man's going to the king's cabinet and speaking in the presence of the council.<sup>3</sup> In 1617, according to the Venetian ambassador, the assembly of notables sitting at Rouen discussed divers changes which they desired, among them a reform of the cabinet council, in which, they said, the most important matters were decided, but from which the chief lords of the kingdom were excluded, they being admitted merely to the deliberative council ('consiglio delle deliberationi').<sup>4</sup> To this assembly the king submitted articles for consideration, which had been drawn up by his 'principal and secret council', consisting of six members.<sup>5</sup> Since 1617 Louis XIII had governed with his council—'conseil des affaires et de la direction'—to which he gave a large place in the management of the kingdom. According to the Venetian ambassador this council was frequently held in the 'cabinet des livres' at the Louvre, and it is evident that it was now often known as the 'conseil de cabinet'.<sup>6</sup> In the time of Luynes a writer urged the young king to hold to the wise councillors of his father and beware of three enemies in his cabinet.<sup>7</sup> In 1623 a contemporary writer on the king's councils mentions the secret council of the cabinet; and the term occurs frequently thereafter.<sup>8</sup> The Venetian ambassador speaks of the cabinets in 1625.<sup>9</sup> It is well known

Roy' (*Mémoires de Monsieur Déagent* (Grenoble, 1668), p. 214). A certain one feared that Louis would admit Richelieu into his councils, 'voyant que Sa Majesté desiroit fortifier de quelqu'un le Conseil Secret' (*ibid.* p. 301).

<sup>1</sup> 'M. le prince étant venu au lever de la Reine, et ayant fait entrer les officiers de la couronne et autres principaux du conseil au cabinet de Sa Majesté, déclara' (*Mémoires de Pontchartrain* (Petitot, xvi), p. 440).

<sup>2</sup> *Le Cabinet de Vulcan* (Paris ? 1614 ?), p. 1.

<sup>3</sup> *Mémoires de Pontchartrain*, p. 72.

<sup>4</sup> Letter of Piero Contarini, 29 December 1617: Venetian Transcripts, x. 43.

<sup>5</sup> 'Son conseil principal et secret, qui étoit lors composé de MM. le chancelier, le garde des sceaux, de Villeroy et le président Jeannin, auxquels étoient ajoutées et se trouvoient messieurs Déageant et de Modène' (*Mémoires de Pontchartrain*, pp. 252, 253).

<sup>6</sup> Batiffol, p. 147; Mariéjol, in Lavis, vi, part ii, p. 197.

<sup>7</sup> 'Tandis qu'avez . . . le bon et sage conseil des bons Conseillers & Anciens accoustumés aux affaires d'Etat, & fidelles serviteurs d'Henry le Grand vostre feu pere . . . gardez-le retenez-le . . . vous avez auprès de vous, au dessus de vous, au vostre Cabinet & par tout où vous allez, trois ennemis capitaux' (*La Sybille Française Parlant au Roy*, in *Recueil des Pièces les Plus Curieuses Qui Ont Esté Faites pendant le Regne du Connestable M. Loyne* (2nd edition, 1624), p. 307).

<sup>8</sup> 'Le Conseil secret ou de cabinet': Du Crot, *Les Vrais Styles des Conseils d'Etat et Privé du Roy* (1623), cited in Léon Aucoc, *Le Conseil d'Etat, avant et depuis 1789* (Paris, 1876), pp. 51, 53-4.

<sup>9</sup> 'Passano però queste voci molto secrete, nè escono dai gabinetti' (Dispatch of Marcantonio Morosini, 12 July 1625: *Relazioni*, 2nd ser., ii. 196).

that Richelieu, in his *Testament Politique*, advised a small council, of not more than four.<sup>1</sup>

In England also a similar development had been going on, though in England the privy council long retained its importance and attended to the principal conciliar work of the realm. In 1555 Philip left instructions for the queen's council before he went abroad. He proposed that from among the privy councillors nine should be chosen for special care of the finances and important business of the kingdom. These councillors should decide when parliament was to be summoned, and what in parliament should be brought forward and there carried through.<sup>2</sup> In 1563 Elizabeth, writing to the earl of Warwick about the English troops in Normandy, says, for the sake of secrecy, 'we have herin delt but with a certen nombre of our pryncipall and trustyest counsellors'.<sup>3</sup> In 1603 Sully speaks of Cecil as 'chef du conseil des affaires'.<sup>4</sup> During a considerable part of his reign James I ruled without great consideration for his privy council, following his own ideas rather than their advice. Often he was away from London, at Newmarket, Royston, Theobalds, or other places. At times he had with him some of his councillors; usually a secretary of state was with him.<sup>5</sup> In 1613 the Spanish ambassador is said to have related that the king resolved all important business with Viscount Rochester alone, and that there were many matters with which the council never was acquainted.<sup>6</sup> 'Yesternight', says Dudley Carleton in 1623, 'some of the LL<sup>ds</sup> of the Counsell . . . who were sent for by his Ma<sup>ty</sup> to Newmarkett, returned hither very late, and the Counsell should have assembled the same night, but could not be gott together.'<sup>7</sup> During much of the reign of James I administration and policy were largely in the hands of the king and some favourite or all-important minister, and under Charles I this was true as long as Buckingham lived. Nevertheless, it is in the privy council even more than in a small group of favourites that the beginning of the cabinet is to be traced.

<sup>1</sup> 'Ainsi que la pluralité des Medecins cause quelquesfois la Mort du Malade, au lieu d'aider sa Guérison; ainsi l'Etat recevra-t-il plutôt du Prejudice que de l'Avantage si les Conseillers sont en grand Nombre. J'ajoute, qu'il n'en peut avec Fruit avoir plus de quatre' (*Testament Politique* (3rd edition, Amsterdam, 1688), p. 265).

<sup>2</sup> 'Imprimis, pro meliori et magis expedita deliberatione, in ijs quae in Consilio nostro agenda sunt ex reliquis Consiliarijs nostris, eos quorum nomina sequuntur seligendos putauimus, quibus specialem curam omnium Causarum status, finantiarum et aliarum Causarum grauiorum Regni, committendam duximus et committimus' (Cotton MS., Titus, B ii, fo. 160).

<sup>3</sup> Patrick Forbes, *A Full View of the Public Transactions in the Reign of Queen Elizabeth*, &c. (London, 1741), ii. 326.

<sup>4</sup> *Mémoires*, iv. 300.

<sup>5</sup> For example, State Papers, Dom., James I, lviii.

<sup>6</sup> State Papers, Foreign, Spain, xx, 22 September 1613.

<sup>7</sup> *Ibid.* Dom., James I, cxxxviii, 20 February 1622/3.

For the earlier years of the reign of James I the records of the privy council have perished, so that before 1612 some things can only be deduced or conjectured. In 1610 the council seems to have contained twenty members.<sup>1</sup> According to a memorandum of Secretary Coke, written perhaps about 1625, the number of members had varied according to the conditions of the times : as a rule it had not exceeded twenty-four nor had it at any time been less than ten.<sup>2</sup> In 1613 the council contained twenty-one members.<sup>3</sup> In 1615 the number was twenty-five.<sup>4</sup> In 1617 there were twenty-eight.<sup>5</sup> In 1623 the number had risen to thirty-five.<sup>6</sup> At the end of the reign of James it was probably forty.<sup>7</sup> In 1625, at the beginning of the reign of Charles I, the number was about thirty.<sup>8</sup> Soon it had risen to thirty-seven ; and by the end of the year it was forty.<sup>9</sup> In 1630 the council contained forty-two.<sup>10</sup> In 1633 there seem to have been thirty-six.<sup>11</sup> Two years later there were thirty-three, and in the year following thirty-two.<sup>12</sup> In 1638 the number was thirty-three.<sup>13</sup> In 1640 there were thirty-five.<sup>14</sup> In the confusion of the years that followed the membership rapidly changed.

During the time of James I and of Charles I meetings were held in many different places, more frequently at Whitehall than anywhere else, but often at Greenwich, at Windsor, at Hampton Court, and sometimes at Nonsuch, York House, Theobalds, Lambeth, Christ Church in Oxford, Woodstock, Southampton, Salisbury, Reading. Especially in the later years, before 1640, a great number of the meetings were held in the Star Chamber and some in the Inner Star Chamber. The attendance varied. One Sunday morning in 1618 there were twenty-one present at the court at Whitehall.<sup>15</sup> In October 1628 there was a meeting to which twenty-six came.<sup>16</sup> In 1638 there was a meeting of the king and eighteen at Greenwich.<sup>17</sup> Occasionally there were councils of two, or three, or four ; somewhat oftener of five, six, seven, or eight. At an ordinary meeting there might be any number from eight to fifteen. Occasionally the number was larger.

Generally, both in the reign of James I and in that of Charles I, the king was not present at meetings of the council. There were

<sup>1</sup> *Ibid.* lviii. 90.

<sup>2</sup> *Ibid.* Charles I, viii, October 1625.

<sup>3</sup> Privy Council Register, xxvii. 1. From the list here given two admitted later must be deducted (*ibid.* 29 March 1614).

<sup>4</sup> *Ibid.* xxviii. 1 a. From this list one should be deducted (*ibid.* 19 March 1615/16).

<sup>5</sup> *Ibid.* xxix. 1.

<sup>6</sup> *Ibid.* xxxii. 1, 2.

<sup>7</sup> *Ibid.* xxxiii. 1, 3.

<sup>8</sup> *Ibid.* p. 1.

<sup>9</sup> *Ibid.* xxxviii. 167 ; xxxix. 3, 4.

<sup>10</sup> *Ibid.* xl. 1, 2.

<sup>11</sup> *Ibid.* xliii. 9.

<sup>12</sup> *Ibid.* xlv. 1 ; xlvii. 3.

<sup>13</sup> *Ibid.* xlix. 3.

<sup>14</sup> *Ibid.* liii. 5.

<sup>15</sup> *Ibid.* xxix, 15 February 1617/18.

<sup>16</sup> *Ibid.* xxxviii, 31 October 1628.

<sup>17</sup> *Ibid.* xlix, 15 July 1638.

periods when Charles attended with considerable regularity ; but for the most part the council was held without the king. At times James did not hide his annoyance when councillors desired him to come. In 1610, when Salisbury, apparently, had proposed a meeting of the council in presence of the king, James's secretary replied that the king was not willing to attend merely about the form of dissolving parliament, and that he would come only if the council had some reasons to propose why parliament should not be dissolved. 'To have a solemn meeting between him and his Councill and no worthy matter to result of it were as his M. hath alreedy written parturiunt montes.'<sup>1</sup> During the year 1618 James came to council only twice.<sup>2</sup> In 1622 he was present three times, although there were seventy-five meetings that year.<sup>3</sup> From the beginning of June 1634 to the end of June 1635 Charles I was present eighteen times.<sup>4</sup> In 1638 there were approximately one hundred and sixty meetings, though many of these meetings were sparsely attended, and often several meetings were held the same day ; Charles was present at the council forty-six times.<sup>5</sup> During this troublous period he came much more frequently than had been his wont in the earlier years.

Some of the members scarcely ever attended, except at their convenience or upon unusual and important occasions. Others came with fair regularity. The more active and important were seldom away. In 1613, during the months from May to September, thirty meetings of the council were held. In this time the archbishop of Canterbury was present twenty-seven times ; the lord chancellor, twenty-six ; the lord chamberlain, twenty-four ; the lord privy seal, twenty-nine ; the chancellor of the exchequer, twenty-nine ; the chancellor of the duchy, twenty-two ; the earl of Shrewsbury, eighteen ; the vice-chamberlain, nineteen ; the treasurer of the king's household, seventeen ; the earl of Pembroke, sixteen ; the comptroller of the king's household, fourteen.<sup>6</sup> The king himself came only twice ; and some of the lords once or twice only. In 1616 the archbishop of Canterbury, the two secretaries, the chancellor of the exchequer, the master of the rolls, were present at nearly every meeting ; the lord chancellor, the lord treasurer, and the lord privy seal at most of the meetings.<sup>7</sup> In 1622 the archbishop, the lord treasurer, the lord president, the treasurer of the household, Secretary Calvert, and the master of the rolls were at nearly all ; the lord keeper, the lord privy seal, the chancellor of the exchequer were present at most, as was the other secretary, Sir Edward Conway, after his appoint-

<sup>1</sup> State Papers, Dom., James I, lviii, 26, 27 November 1610.

<sup>2</sup> Priv. Coun. Reg. xxix, xxx.

<sup>3</sup> *Ibid.* xlv.

<sup>4</sup> *Ibid.* xxvii.

<sup>5</sup> *Ibid.* xxxi.

<sup>6</sup> *Ibid.* xlviii, xlix.

<sup>7</sup> *Ibid.* xxviii.

ment about the middle of the year.<sup>1</sup> In 1625 the lord treasurer, the lord keeper, the lord president, the lord privy seal, the treasurer, the comptroller, the chancellor of the exchequer, and Secretary Conway were almost always present.<sup>2</sup> In 1638 the archbishop, the lord keeper, the lord treasurer, the lord privy seal, Lord Cottington, the treasurer, the comptroller, the two secretaries, made the nucleus of most of the meetings.<sup>3</sup> Hence, while all the members of the council might always attend, and many of them did attend in a desultory way, yet actually the work of the council was largely handled by a small number of diligent and powerful members.

During much of this period a great part of the government of England was carried on in the privy council, which continued to be almost as important as it had been in Elizabeth's time. Much of the important direction, supervision, and routine of the central administration was in this council, which also supervised a great number of important local affairs. Frequently during these years it was called upon to deal with the necessary and engrossing task of raising revenue sufficient for the Crown. In the earlier portion of this period the councillors were active in collecting loans; in the later years the management of ship money occupied them more than any other task. The labours to which the council had constantly to address itself were as infinitely varied as the governmental life of the state. They ranged from the supervision of the treasury, the navy, the militia, the colonies, and trade, to such petty affairs as summoning before it those who spoke seditious words or refused to contribute money for the assistance of the king. Within the purview of the council came the regulation of building, the removing of nuisances, the hearing of complaints, the issuing of a great number of local orders, the enforcing of laws, the hearing of suits and 'causes', and the consideration of countless petitions. For some time, at any rate, no small amount of foreign business was dealt with in the privy council. Here, then, was carried on the larger part of the executive, the administrative, and the advisory work of the central government of the kingdom.

After all, however, the function of the privy council was merely to assist the king, and the king always strove to keep to himself and within his own power the most important and most secret governmental work. James for a long time retained the more important part of diplomacy and the control of foreign affairs, assisted only by his secretaries, entirely apart from his council, except on unusual occasions of emergency, trouble, or stress. To a considerable extent in the reign of James the highest things in the governance of the realm, most of what related to

<sup>1</sup> *Ibid.* xxxi.

<sup>2</sup> *Ibid.* xxxii, xxxiii.

<sup>3</sup> *Ibid.* xlviii, xlix.

his policy and plans, the *arcana imperii*, were at first known only to himself and his particular favourite at the time, or at most only to a small group of the most intimate confidants around him; and as long as Buckingham lived this was so in the reign of Charles.

In 1604 the French ambassador declared that James was governed entirely by the counsel of Cecil.<sup>1</sup> At the time of the Gunpowder Plot Salisbury asserted that during the past three months he had informed 'the K. and some of his Ma<sup>ty</sup> inward Councillors' that the Catholics were plotting.<sup>2</sup> According to an account sent to Paris in 1610, James held a meeting with seven of his councillors, 'who are, as it were, the ephors'.<sup>3</sup> The foreign ambassadors frequently speak of a small number of particular councillors. In 1611 the Venetian ambassador wrote that the king often transacted his most important business apart with three or four Scots.<sup>4</sup> Two years later the French ambassador writes that the archbishop of Canterbury and other 'principal ministers' have the chief part of the king's affairs.<sup>5</sup> Gondomar, a year later, says that three councillors govern all for the king,<sup>6</sup> and in 1617, on occasion of the king's visit to Scotland, that while the council governs, yet four councillors have special authority above the rest.<sup>7</sup> It is stated in 1625 that Charles gave his confidence mostly to the duke, the lord treasurer, the lord chamberlain, and Lord Conway.<sup>8</sup> Next year the Venetian representative says that, under the king, Buckingham and a few others hold power.<sup>9</sup>

During the period of Buckingham's greatness, however, his influence and importance were such that under the king the principal power was vested in his hands alone rather than in a cabinet or small secret council. In 1624 the Spanish ambassador writes that Buckingham can carry his wishes against all the council, even against the king.<sup>10</sup> 'All things passe by him,'

<sup>1</sup> Transcripts from Paris, xxxviii. 216.

<sup>2</sup> State Papers, Dom., James I, ccxvi. ii. 219.

<sup>3</sup> Transcripts from Paris, xli, 14 February 1610.

<sup>4</sup> *Relazioni*, 4th ser., i. 121.

<sup>5</sup> Transcripts from Paris, xlvii. 175.

<sup>6</sup> 'El almirante y el Conde de Nortanton y el de Sufold que son los que gouiernan la maquina de aqui' (Gondomar to the Captain-General of Milan, 12 June 1614: Spanish Transcripts, 2nd ser., v. 138).

<sup>7</sup> 'Y aunque en ausencia deste Rey gouiernan los del Consejo tienen especial y particular comision sobre todos el que llaman Arçobispo de Cantarueri, el Chanciller . . . y el Conde de Sufold y el de Uster' (Letter of 12 July 1617: Spanish Transcripts, 2nd ser., xvii).

<sup>8</sup> State Papers, Dom., Charles I, i, 27 April 1625.

<sup>9</sup> Venetian Transcripts, xiii. 8.

<sup>10</sup> 'Pues está resuelto el Parlamento. . . . Todo esto puede vn ombre solo contra casi todos los demas consejeros y, lo que causa mas admiracion, contra la voluntad de su mismo Rey que lo leuantó del poluo de la tierra' (Don Carlos Colonna to the king of Spain, 9 January 1624: Spanish Transcripts, 2nd ser., xxxi).

says Chamberlain about the same time.<sup>1</sup> Favour and power remain in the same hands, the French ambassador says next year.<sup>2</sup> 'He alone—perhaps more than the king, sustains the burdensome management of the country's foreign and domestic affairs,' is the account sent back to Venice.<sup>3</sup> 'All things are at a stand till yo<sup>r</sup> p'sence shall give light & direccōns to it,' one of his friends writes in 1627.<sup>4</sup> About this time a writer refers to Buckingham's 'sole counsaile w<sup>th</sup> the Kinge'.<sup>5</sup> In 1629 a memorial about the recent state of affairs in England declared that most things had been resolved solely between Buckingham and the king.<sup>6</sup> It may be added that afterwards Laud was sometimes supposed to have a power similar, though never so great as that which the duke had retained till his death.<sup>7</sup>

After the death of Buckingham Charles never gave himself again entirely to a single favourite. He now did his work more with the assistance of his privy council. The number of councillors, however, had risen to forty at the beginning of his reign, and while it was afterwards slightly diminished, the number was evidently too great for the secrecy and dispatch which are the ideal of effective government at all times. Accordingly, the most important part of governance, especially what concerned policy and foreign relations, was presently managed by the king with the assistance of a small part or committee of his council. It was especially in connexion with committees of the privy council that the cabinet developed in England.

Committees, or groups of members of the council to whom was committed some particular task for consideration or decision, had existed long before, and were well known in Tudor times. In 1618 a committee of three lords considered a controversy between the skimmers and the tanners.<sup>8</sup> About the same time a more important committee was appointed to treat for the marriage of the king's son with the Spanish princess.<sup>9</sup> It is difficult to learn the exact history of the committees of the council for the period before 1660, since, in contrast with the general

<sup>1</sup> State Papers, Dom., Charles I, ii, 6 May 1625.

<sup>2</sup> Transcripts from Paris, lxiv. 118.

<sup>3</sup> Letter of Alvise Contarini, 4 September 1626: Venetian Transcripts, xiii. 29.

<sup>4</sup> Edward Nicholas to Buckingham: State Papers, Dom., Charles I, lxxxiv, 14 November 1627.

<sup>5</sup> *Ibid.* xciv. 93.

<sup>6</sup> 'Il faut remarquer que la plus grande partie des affaires se résout entre le Roy et le Duc seulement: qu'en d'aulcunes, le Duc y appelle toutes ses créatures, pour les rendre plus authentiques' (Transcripts from Paris, lxvi. 234).

<sup>7</sup> In 1637 Angelo Correr alludes to him: 'l'Arcivescovo di Canterbury (col solo Consiglio del quale in questo interesse la maesta sua regi le proprie risolutioni . . .)' (Venetian Transcripts, xviii. 236).

<sup>8</sup> Priv. Coun. Reg. xxviii, 13 November 1616.

<sup>9</sup> 'La Junta que hizo el Rey de Ynglaterra para tratar el casamiento de su hijo en España' (Spanish Transcripts, 2nd ser., xvii. 141).

practice after that time, committees were appointed then usually without any note being made in the council record of their membership or even of the date of their appointment. Frequently the existence of a committee is learned only from some later allusion, sometimes in the council's Register, more often elsewhere. Yet the best source of information remaining is the lists of the standing committees entered, apparently by the clerks, at the beginning, or occasionally at the end, of a good many volumes of the Register of the Privy Council, along with the list of members of the council and the oaths which the various officials had to take. In some volumes of the Register such lists are wanting.

In 1616 there appear to have been eleven standing committees : 'for the State of Ireland' with nine members, 'for the Household' with six members, 'for the Nauy' with seven, 'for the wardrobe and Robes' with eight, 'the workes Castles and Fortes' with eight, 'the booke of Rates Imposycons exportaçon & Importaçon' with ten, 'for puttinge Lawes in execution and concerning Straingers' with two, 'for Sperable Debtes' with two, 'for the fishinge' with ten, 'for Enfrancheing of Coppiholders & improueing of Rentes' with six, 'ffor guiftes Grauntes and other Things' with two.<sup>1</sup> In 1623 there were five committees : 'Lordes Committies appointes by his Maiestie for the affayres of Ireland', also for 'The Church', of four members, to meet on Saturday afternoons ; 'Reuenuew, Plantaçon Recusants, settling the Courtes of Justice, Trade and Commerce', of eighteen, at a time when the council contained about thirty-four members, to meet on Thursday afternoons ; 'New Patents, Monopolies, Fees Fines and Offices in reuersion, how his Ma<sup>ty</sup> late direcons were obserued', of eleven, for Monday afternoons ; 'The Armie', of thirteen.<sup>2</sup> In April 1624 a 'Councell of Warr' was appointed for the securing of Ireland and the other dominions of the king, and putting his navy in readiness. It consisted of ten members, of whom four were not of the privy council.<sup>3</sup> This sub-council, which was virtually a committee of the privy council, for some time took an active and important part in the government of the kingdom. It is probable that from time to time many temporary committees were appointed for particular purposes. In 1625 a committee of six considered business affecting the plantation of Virginia.<sup>4</sup> Next year a committee of seven, or any three of them, was appointed to deal with the privy seals and with free gifts.<sup>5</sup> About the same time a 'select Co<sup>m</sup>ittee' of five was appointed to

<sup>1</sup> Priv. Coun. Reg. xxviii. 617, 618.

<sup>2</sup> *Ibid.* xxxi. 3.

<sup>3</sup> State Papers, Dom., James I, clxiii. 19.

<sup>4</sup> Priv. Coun. Reg. xxxiii, 11 April 1625.

<sup>5</sup> *Ibid.* xxxiv, 7 September 1626.

advise the king how the fleet might be employed to the best advantage.<sup>1</sup>

In 1623 there were, in addition to the 'Councell of Warre', ten committees: the 'Comittee to treat w<sup>th</sup> the States Amb<sup>r</sup>' of ten members, the 'Comittee for French busines' of eleven, 'Comittee for the Intercourse' of seven, 'Priuate Comittee' of nine, 'Comittee about Sr. Thomas Phillips busines in Ireland' of ten, 'Comittee for Argier' of nine, 'Comittee for the reliefe of Rochell' for which no list of members is given, 'Comittee to treat w<sup>th</sup> y<sup>e</sup> Danish Amb<sup>r</sup>.' with five, 'Comission<sup>rs</sup> for the Admiralty' with six, 'Comittee for the Posts' of which the members are not given.<sup>2</sup> About 1630 there were 'Comissioners for the Poore' with ten members, 'Comiss<sup>rs</sup> for Soldyers' with four, 'Comittee for Trade' with eleven or twelve, to meet on Tuesday afternoons.<sup>3</sup> About 1632 the Irish committee was appointed to meet regularly on Wednesday mornings, the council of war on Thursday mornings, the committee for the admiralty on Thursday afternoons, and the committee for the ordnance on Friday mornings.<sup>4</sup> In 1634 there were six committees: 'The Comittee for foreigne Plantations' of twelve members, or any five of them, to meet on Wednesday mornings, 'Comittee for Trade' of ten, for Friday mornings, 'Comittee for the ordnance' of seven members, 'Comittee of Irelande' of six, 'Comittee for forraigne affaires' of eight, 'Commissio<sup>ns</sup> for y<sup>e</sup> Treasury' of five members.<sup>5</sup> In 1638 there were five: 'The Comittee for Forreigne Plantacons' of thirteen members, or any five of them, 'Comitte for y<sup>e</sup> Ordinance' of seven, 'Comitte for Trade' of ten, 'Comitte for Forraigne affaires' of eight or nine, 'Comitte for Ireland' of six.<sup>6</sup>

While the labour of government was thus apparently distributed among these different groups of members of the councils, often a smaller number of councillors actually participated in this work than might have seemed to be the case at first glance, since certain of the abler and more active members tended to be put upon most of the committees. In 1617, of eleven committees, the lord chancellor, the lord treasurer, and the chancellor of the exchequer served on six, the lord chief justice, the master of the rolls, the lord privy seal, and Lord Zouche on five, the lord admiral

<sup>1</sup> State Papers, Dom., Charles I, xxi. 86.

<sup>2</sup> *Ibid.* cxiii. 52, endorsed by Dorchester: 'Note of Comittees taken out of the Councell booke. in 10<sup>ber</sup> 1628.' In Priv. Coun. Reg. xxxviii there is nothing about them. The lists, as is often the case, are probably not altogether correct for the particular date which is given. The lord admiral, named in the committee to treat with the states' ambassadors, was assassinated in August 1628.

<sup>3</sup> Priv. Coun. Reg., xl. 7.

<sup>4</sup> 'Orders for Dayes of Committees' (*ibid.* xli. 3).

<sup>5</sup> *Ibid.* xliv. 1-3.

<sup>6</sup> *Ibid.* xlix. 1.

on four, and the chancellor of the duchy of Lancaster was 'to be added to any of these Commissioners wherein the Dutchie hath interest'.<sup>1</sup> In 1634 the two secretaries of state served on all of the six standing committees, while the archbishop of Canterbury, the lord treasurer, and Lord Cottington were on five, and the earl marshal on four.<sup>2</sup>

During this early period, as in the years after the Restoration and until the end of the seventeenth century, it was largely in connexion with that committee of the privy council which dealt with foreign affairs that the cabinet council developed. After 1660 it was to the informal foreign committee—for if the foreign committee which Clarendon describes was formally appointed as a committee of the council no record of such appointment has been found—that Pepys referred when he spoke of the cabinet council. Somewhat later it was the committee of foreign affairs, appointed by Charles II in 1668, which was called the cabinet or the cabal. From 1679 a committee of foreign affairs formally designated as the committee of intelligence succeeded, and while in this crisis of the difficulties of Charles his servants avoided the opprobrious term 'cabinet council', yet when the cabinet was spoken of it was usually the committee of intelligence that was meant. As the difficulties passed the committee of intelligence was again called by the name which had become better known, and when men spoke of the cabinet in the period after 1680 it would sometimes seem to have been the committee of foreign affairs or the foreign committee which they had in mind. They now often spoke of it simply as 'the committee' and its members as 'the lords of the committee of the council'.

For some time during the earlier Stuart period when the king desired the assistance of councillors in the conduct of his foreign affairs, it was often to the privy council rather than to a committee that he commended consideration of such things. In 1607 the king told parliament that war and peace, the managing of intercourse with foreign princes, were things that 'were alwaies leaft to the Jugement and managing of the King and his Privy Counsell'.<sup>3</sup> In 1615 the ambassador of the Archduke Albert had audience with the king and all his council.<sup>4</sup> Two years later James's former ambassador with the archduke returning presented himself before the privy council, where he related at large the negotiations he had been conducting. The king, to whom account was sent of what had been done, was disposed to break off relations with the archduke, but the council on learning of this order advised

<sup>1</sup> Priv. Coun. Reg. xxviii. 617, 618.

<sup>2</sup> *Ibid.* xliv. 1-3.

<sup>3</sup> State Papers, Dom., James I, xxvii, 13 May 1607.

<sup>4</sup> 'Fuimos a la audiencia del Rey . . . Allamos al Rey con todo su Consejo' (Spanish *Traspacris*, 2nd ser., viii, 8 January 1615).

the vice-chamberlain to forbear carrying it out, and then persuaded James to withdraw his command.<sup>1</sup> In 1620 Gondomar appeared before the council to protest against the expedition which Captain Roger North was about to begin for settlement in the Amazon country. The council heard Gondomar at length and gravely considered his protest. In the end North was forbidden to sail.<sup>2</sup> In 1624 a committee of the council was appointed to hold a conference and make a treaty with the ambassador from Persia.<sup>3</sup> Next year Charles I advised with his council concerning a reply to the French ambassador, who was demanding restitution of certain ships and goods.<sup>4</sup> In 1626 the council gave audience to the ambassador of the states-general of the United Provinces and discussed with him matters diplomatic, military, and naval.<sup>5</sup> On 14 September of this year the king and twenty-one councillors were present, 'a full Bodie of Counsell'.

This day his Maiestie being present in Counsell, and informed of the accident of warre, befallne his deare Uncle the King of Denmarke, and of other foreigne intelligences, requiring present preparacons both of Men and money for the coñon defense of this Kingdome, and necessary support of his friends & Allyes abroad, entred into serious consideracon of these pressing occasions, and unavoydable necessities, w<sup>ch</sup> required not onely speedie resolucons, but pñte pruisions and aydes, & more especially the pñte supplying & assisting of the King of Denmarke. . . .

The council advised that each man should be asked to lend in accordance with his means, and in proportion as he had been assessed in the last subsidy rolls.<sup>6</sup> After 1630, however, foreign business comes very little before the body of the council. For the most part now it was being handled by the king and his committee of the council for foreign affairs.

In 1605 James I had declared that 'both forraigne and domesticall occasions daily rise w<sup>ch</sup>. are fitt to be considered of and dispatched, some by o<sup>r</sup>. Counsell in g<sup>r</sup>all, some by a fewer number of them, according to the qualitie of the occasions'.<sup>7</sup> Apparently, however, it was some time before a committee for foreign affairs was formed. In 1615 and in the year following Gondomar speaks of a committee appointed to treat of the Spanish marriage.<sup>8</sup> In June 1623 Chamberlain learns that 'the cheife of the counsaile' are appointed to treat with the Spanish commissioners about the marriage.<sup>9</sup> In November another of Sir Dudley Carleton's

<sup>1</sup> Priv. Coun. Reg. xxix, 23 June 1617.

<sup>2</sup> Spanish Transcripts, xxi, 30 May 1620; Priv. Coun. Reg. xxx, 4 April 1620.

<sup>3</sup> Priv. Coun. Reg. xxxii, 5 August 1624.

<sup>4</sup> *Ibid.* xxxiii, 14 October 1625.

<sup>5</sup> *Ibid.* xxxiii, 19 June 1626.

<sup>6</sup> *Ibid.* xxxiv, 14 September 1626.

<sup>7</sup> State Papers, Dom., James I, xii, 9 January 1604-5.

<sup>8</sup> Spanish Transcripts, 2nd ser., ix, 30 May 1615; xvii, 141.

<sup>9</sup> State Papers, Dom., James I, cxlvii, 28 June 1623.

correspondents wrote to him that the prince and Buckingham had just returned and had given a confidential report. 'It seemes', he says, 'it must be onely a Committie Counsell, that shall manage these greate businesses now on foote.'<sup>1</sup> A few days later he writes of 'a meeting of certain selected counsaillors at St James, where the L. of Buckingham made return in what state they found the busines of the match at their coming into Spaine and in what state they left y<sup>t</sup>'.<sup>2</sup> A fortnight after, Chamberlain, also writing to Carleton, says :<sup>3</sup>

The selected commissioners for forain affaires sit much, I thinke I forgot to send you their names, as the .L. Keper .L. Treasurer, .L. chamberlain .L. marshall, the two Dukes, marques Hamilton .L. of Carlile .L. Belfast, chancellor of the exchequer and both the secretaries, w<sup>ch</sup> makes a full iurie.

The select group had now been enlarged to twelve ; but a little later on he says that the committee for foreign affairs, which he also calls the 'junta', is to be made smaller to ensure greater secrecy of deliberations.<sup>4</sup>

That the committee for the Spanish match was what was now called the committee of foreign affairs and the 'junta' is plain enough. In January 1624 Chamberlain wrote that 'the junta for forrain affaires' was divided : five were for the Spanish match ; four would not declare themselves ; three were strongly against it.<sup>5</sup> A few weeks later another observer wrote : 'I heard by another way, how the Committees for the Spanish Match weare in a sorte devided'.<sup>6</sup> The Spanish representative giving an account of the happenings of this time speaks of the 'junta' of twelve members.<sup>7</sup> In June Carleton writes that Buckingham's illness had caused a delay in bringing to trial the earl of Bristol, 'w<sup>ch</sup> is to be performed before the olde Committee of the LL<sup>ds</sup> for foraigne affaires'.<sup>8</sup>

Evidence is too scanty for certain conclusions to be drawn,

<sup>1</sup> State Papers, Dom., James I, cliv, 1 November 1623.

<sup>2</sup> *Ibid.* 8 November 1623.

<sup>3</sup> *Ibid.* 22 November 1623.

<sup>4</sup> 'We have a whispering that the junta or commission for forain affaires shalbe somewhat abridged in number, for though they be sworn to secresie, yet some things are found to be vented and come abroad that were better kept close' (Chamberlain to Carleton : State Papers, Dom., James I, clv, 20 December 1623).

<sup>5</sup> *Ibid.* clviii, 31 January 1623/4.

<sup>6</sup> William Pelham to Sir Edward Conway : *ibid.*, clix, 12 February 1623/4.

<sup>7</sup> Marques de la Hinojosa to the king of Spain : Spanish Transcripts, 2nd ser., xxxi, 21 January 1624. A few days later, describing a meeting of this 'junta', at which the marriage of the prince was discussed, he says : 'El Principe rrespondió que no tenia otra voluntad que la de su padre, y ansi se conformaron con el ministro [who had spoken against a break with Spain] los demas de la Junta, con que se acauo. Todo esto me a hauisado vna perssona interessada en el cassamiento y desseossa del . . . y el e confirmado por medio de otra de las que se hallaron en la Junta' (*ibid.* 24 January 1624).

<sup>8</sup> State Papers, Dom., James I, clxvii, 14 June 1624.

but the cabinet appears at first to have been a smaller group than the committee. It may be that it was an inner group, and, if a committee of the council, merely informal. At all events, in the cabinet of seven described by Chamberlain all but one of the members were also on the committee of foreign affairs which he describes a year later; and, when he first wrote, the second secretary, Sir Edward Conway, had not yet been appointed. Similarly, the cabinet which he described in 1625 contained five members, and it was to them that Charles I had given the special commission at the beginning of his reign; while the foreign committee then may have contained ten members, though this is not certain. In 1627 Contarini says: 'The king has lately held three long conferences in his private cabinet, with four or six confidential advisers, a mode of meeting which I understand is practised solely with regard to matters of importance.'<sup>1</sup> Probably at first the term cabinet was applied by outsiders to any small group that seemed at the time to be the most important group of the king's councillors. It will be shown that later the committee of foreign affairs, when it was undoubtedly called cabinet or junto, had a membership of about six or eight.

Early in the reign of Charles I, Lord Keeper Coventry presents a list of ten: 'These were the last Committee for Forren Services.' It rests, he says, with the king, whether to add other members for the negotiations with the States.<sup>2</sup> In 1627 the Venetian ambassador speaks of the large and the private council shortly to be held at Windsor.<sup>3</sup> Writing half a century after this time, Clarendon describes those 'who were the chief ministers that had the principal management of public affairs in Church and State', just after Buckingham's death. They were, he says, eleven: Sir Thomas Coventry, lord keeper, Sir Richard Weston, lord treasurer, the earl of Manchester, lord privy seal, the earl of Arundel, who was frequently not at the court, the earl of Pembroke, lord steward of the household, the earl of Montgomery, lord chamberlain, the earls of Dorset, Carlisle, and Holland, and the two secretaries of state, who were then Sir John Coke and Sir Dudley Carleton.<sup>4</sup> About 1629 there is in the record of the council a list of 'Comiss<sup>rs</sup>. for forraigne affaires' and another a few pages further on of the 'Comittee for forraigne affaires'. Each list contains seven members: the lord treasurer, the lord president, the earl marshal, the lord steward, the earls of Holland and Carlisle, and Carleton, now Viscount Dorchester, secretary of state.<sup>5</sup> In 1631 Dorchester tells the English ambassador at

<sup>1</sup> Letter of Contarini, 8 January 1627: Venetian Transcripts, xiii. 260.

<sup>2</sup> State Papers, Dom., Charles I, xlv. 87 (1626).

<sup>3</sup> 'Consiglio e grande e privato' (Venetian Transcripts, xiv. 543).

<sup>4</sup> *History of the Rebellion*, i. 56-82.

<sup>5</sup> Priv. Coun. Reg. xxxix. 1, 11.

Vienna that the king is pleased with what he does, and that he has also the full approbation of 'all my Lords to whom his Majesty doth entrust his Foreign Affairs'.<sup>1</sup>

In March 1634 Laud became a member of the foreign committee.<sup>2</sup> About this time the 'Comittee for forraine affaires' contained at least six members, and had contained, perhaps, as many as eight or nine. A list in the Register of the Privy Council for 1634 names the archbishop, the lord keeper, the lord treasurer, the earls of Carlisle and Holland, Lord Cottington, the comptroller, and the two secretaries, Coke and Windebank.<sup>3</sup> But the maker of this list has inserted the earl of Arundel, and marked the lord keeper and Carlisle as dead, while he has also struck out Cottington and the comptroller. Next year, following the death of the lord treasurer, Weston, the committee was somewhat altered.<sup>4</sup> Laud is now spoken of as 'y<sup>e</sup> first of y<sup>e</sup> Junto of forreyne affayres'.<sup>5</sup> Elizabeth of Bohemia writes to Laud to assure him of her pleasure that the king 'hath assumed you, into the Councils of his state & forrain affairs'.<sup>6</sup> A little later she tells him that she must write to her brother about the business of her sons in Germany: 'I know the king will acquaint you and the other Lords of the committee with it.'<sup>7</sup> In 1636, on the appointment of the bishop of London to the treasury, one of Wentworth's correspondents writes to him: 'The new Lord Treasurer is made of the Junto for Foreign Affairs.'<sup>8</sup> This year the 'Comittee for Forraine affaires' contained six or eight members: the list includes the archbishop, the lord keeper, the lord treasurer, the earl marshal (the earl of Arundel), the earl of Holland, groom of the stole, Lord Cottington, chancellor of the exchequer, the comptroller, and the two secretaries, Coke and Windebank; but the lord keeper, Cottington, and the comptroller have been struck out, and the earl of Holland inserted.<sup>9</sup> In connexion with the power

<sup>1</sup> Lord Dorchester to Sir Robert Anstruther, 16 October 1631: *Carleton Letters* (London, 1757), appendix to the preface, p. lv.

<sup>2</sup> 'Monday, I was called against the next day into the Foreign Committee by the King' (Laud, *Diary*, 16 March 1634; *Works* (Oxford, 1847-60), iii. 223).

<sup>3</sup> Priv. Coun. Reg. xlv. 3.

<sup>4</sup> 'La mort du Grand Trésorier a changé le Gouvernement des finances de luy seul en ung Conseil de cinq et les affaires d'Estat en un de six: en l'une et en l'autre compagnie l'Archevesque de Cantorbery est le premier en crédit et en autorité. Après luy suivent pour les affaires, les C<sup>tes</sup>. d'Arondel, Carlisle et de Holland, les Secrétaires Rouques et Windebang, les quelz nous ont esté donnez pour Commissaires' (M. de Senecterre to M. Bouthillier, 4 April 1635: Transcripts from Paris, lxviii. 146).

<sup>5</sup> Sir Thomas Roe to the queen of Bohemia, 5 April 1635: State Papers, Dom., Charles I, cclxxxvi.

<sup>6</sup> *Ibid.* cclxxxvii, 20/30 April 1635.

<sup>7</sup> *Ibid.* ccxciii. 2/12 July 1635.

<sup>8</sup> The Reverend G. Garrard to the lord deputy, 15 March 1635/6: *Strafford Letters* (London, 1739), i. 525.

<sup>9</sup> Priv. Coun. Reg. xlvii. k

of this committee it is interesting to note that every one of the members served also on the committee for Ireland, and that each, excepting only the earl of Holland, served also on two or three other committees of the council besides. At this time mention is made by the Venetian ambassador of the king's most secret council.<sup>1</sup> In 1637 the ambassador enumerates the members of the cabinet: the archbishop of Canterbury, the lord treasurer, the earls of Arundel and Holland, and the two secretaries of state.<sup>2</sup> In 1638 the list of members of the 'Comitte for Forraïne affaires' at the beginning of the council register is confused, like others which precede it. The committee may have contained six members; it may have contained eight or nine. It can scarcely be that authorities so well informed as the clerks of the council would have gone on year after year writing lists containing the names of those who had long since ceased to be members. It is more probable that members were added from time to time temporarily at the need or the wish of the king. For 1638 the list includes altogether the archbishop, the lord treasurer, the lord keeper, the earl marshal, the earl of Holland, Lord Cottington, the comptroller, and the secretaries Coke and Windebank; but again the lord keeper, Cottington, and the comptroller are struck out, the lord treasurer is inserted and struck out, and the earl marshal inserted.<sup>3</sup> In 1640 a Venetian representative declared that the cabinet contained eight members.<sup>4</sup>

The business of this committee of foreign affairs was primarily the consideration of foreign and diplomatic relations; but as was the case with Charles II's committee of foreign affairs and with his committee of intelligence and the later 'Committee', not only foreign matters but other branches of the most important business of the kingdom were handled by the smaller council. In 1634, when Sir Francis Nethersole, who represented the queen of Bohemia's interests in England, had made an indiscreet remark, he was examined in the council chamber by 'my LL. of the Committee for forrayne affayres'; and a note in Windebank's hand records that this examination was made before the lord treasurer, the earl marshal, the earl of Carlisle, the earl of Holland, secretary Coke, and himself.<sup>5</sup> It may be, though one

<sup>1</sup> 'Sopra dei negotii stimati di considerazione, senza dar luogo agli soliti piaceri della caccia, s'è veduto travagliare tutta questa settimana assiduamente il Re nel suo piu secreto consiglio' (Letter of Angelp Correr, 19 December 1636: Venetian Transcripts, xviii. 227).

<sup>2</sup> 'Il dì seguente convocato il consiglio del Gabinetto, in cui l'Arcivescovo di Canterbury, il Gran Thesoriero, il Conte d'Arundel, il Conte d'Oland et i due segretari di Stato soli intervengono' (Letter of 23 March 1637: Venetian Transcripts, xviii. 274).

<sup>3</sup> Priv. Coun. Reg. xlix. 1.

<sup>4</sup> Venetian Transcripts, xxiii. 10.

<sup>5</sup> State Papers, Dom., Charles I, clviii, 37, 38.

cannot be certain, that 'the committee' of July 1634, in which the scheme for obtaining revenue by ship money was elaborated, was the foreign committee. There is no doubt that the lord treasurer, the lord keeper, and the two secretaries took part in the deliberations, and there is no record of the appointment of a committee for this specific purpose.<sup>1</sup> In 1639 a petition from the governor of Portsmouth about provisions and ammunition was referred by the king in council to 'the Lords Committees for forraine Affayres' and the earl of Newport, master of the ordnance.<sup>2</sup>

There are various allusions to the activity of the committee in foreign matters.<sup>3</sup> In September 1635 'His Ma<sup>ty</sup> upon Michmas day . . . made two propositions to the forain Committee': what further answer to make to the French ambassador concerning a nearer conjunction with France; or whether he should declare his neutrality. He commanded the members to be ready to give their opinions on the following Sunday. Windebank's opinions are embodied in his notes of the affair: he favoured a neutrality; he was against drawing nearer to France, since the aims of that kingdom were quite contrary to those of England.<sup>4</sup> In 1636 Windebank writes to the earl marshal, then in Germany, that 'all my Lords of the Committee' are extremely well satisfied with his dexterity in the great work he is doing.<sup>5</sup> Early in 1637 the 'foreign Committee' was frequently summoned to meet the king and consider a league with France and a break with Spain.<sup>6</sup> About the same time, when two refugees in the house of the English ambassador in Venice were taken from their asylum, 'the junctto was acquainted with itt wher it was resolved that the uholl counsall tabill shuld be acquainted with itt'.<sup>7</sup> The same year, the elector Charles Louis sent Sir Thomas Roe a copy of his mother's memorial, which the king was to consider 'at the first juncto'.<sup>8</sup> Roe himself was sending Laud certain communications of which he wrote: 'If yo<sup>u</sup>: see cause at the forreyne Committee, or to the King, y<sup>u</sup>: may read the Letters, or use them as yo<sup>u</sup>: please.'<sup>9</sup> Windebank wrote to the earl of Leicester that he seldom came 'to the understanding of any thing of moment but at the forain Committee'.<sup>10</sup> Of the time and the manner of the meetings not much is now to be learned. Sometimes they were

<sup>1</sup> State Papers, Dom., Charles I, cclxx. 55; cclxxii. 36.

<sup>2</sup> *Ibid.* cccxxxi. 45. There is nothing about this in Priv. Coun. Reg.

<sup>3</sup> Laud, *Works*, vii. 74; State Papers, Dom., Charles I, ccxciv, 26 July 1635.

<sup>4</sup> State Papers, Dom., Charles I, ccxcviii, 29 September 1635.

<sup>5</sup> *Clarendon State Papers*, i. 578.

<sup>6</sup> *Strafford Letters*, ii. 49.

<sup>7</sup> *Denbigh MSS., Historical Manuscripts Commission*, 4th Report, part i, appendix, p. 258.

<sup>8</sup> State Papers, Dom., Charles I, cccxxviii, 30 December/9 January 1636/7.

<sup>9</sup> *Ibid.* ccxlv, 21 January 1636/7.

<sup>10</sup> *Ibid.* dxxxvii. 6.

held at Windsor ; some of them were held on Sunday, which was afterwards for a long time the regular day for holding cabinet meetings ; there were times when the committee was supposed to meet regularly once each week.<sup>1</sup>

It is possible that the importance of the committee had temporarily diminished in 1637. Writing about that time Windebank declared that although the committee was supposed to meet each week, 'yet . . . unlesse His M: call us upon som speciall occasion once in a moneth or sixe weekes we neuer otherwys com together'.<sup>2</sup> Charles had withdrawn more and more from foreign affairs ; he was engrossed in domestic matters ; the council itself was managing the ship money with skill and address. Just at this moment, however, an outside matter became the foremost consideration of the government of England. In 1638 the troubles in Scotland caused great concern. The committee of foreign affairs continued its work, but a Scottish committee for a while now seemed to be more important.

There is not, apparently, any record of the appointment of such a council committee in the Register of the Privy Council, nor does a list of the members of such a committee appear in any of the council records. In 1638 a correspondent writing to the lord deputy in Ireland says : 'The *Scotish* Businesses go not well ; a Committee of some few of his Majesty's Council is made to consider of the Letters and Businesses which come thence ; I hear they are, the Lord Treasurer, the Earl Marshal, the Lord Cottington, Mr. Secretary Coke, and the Comptroller.'<sup>3</sup> All of these members were also of the committee of foreign affairs. That this committee was continuing its work is evident enough ; for at this very time Laud speaks of going to the 'Foreign Committee'.<sup>4</sup> The foreign committee also was considering Scottish business, but the important decisions about Scotland were not being made there now.<sup>5</sup> Other members were soon added to the Scottish committee. The lord admiral writes to Wentworth that at a meeting in the presence of the king at Theobalds three of the members, the earl marshal, Cottington, and Windebank, were urging the king on to war ; the comptroller was for peace ; and Secretary Coke was inclined that way.

<sup>1</sup> *Clarendon State Papers*, i. 662 ; *Strafford Letters*, i. 177 ; *State Papers, Dom.*, Charles I, dxxxvii. 6.

<sup>2</sup> *State Papers, Dom.*, Charles I, dxxxvii. 6 (January 1637 ?).

<sup>3</sup> G. Garrard to the lord deputy, 3 July 1638 : *Strafford Letters*, ii. 181.

<sup>4</sup> Letter to Sir Thomas Roe, 5 July 1638 : *Works*, vii. 458.

<sup>5</sup> 'At the Foreign Committee (where this business hath been three or four times in agitation) nothing hath been concluded, but the preparations to fortify Berwick and Carlisle. But what the Committee lately named for this business of Scotland do, I know not ; for I am none of them' (Laud to Wentworth, 30 July 1638 : *Works*, vii. 468).

Northumberland adds that the king had just commanded him to attend the meetings.<sup>1</sup>

There is reason to believe, however, that this Scottish committee was practically the foreign committee devoting itself particularly to the business of Scotland. The committee of foreign affairs continued to deal with diplomatic and foreign relations.<sup>2</sup> In October 1639 Northumberland writes: 'To the forraigne Committie, his Majestie hath now added Marquis *Hamilton*, the Deputie [the earl of Strafford], and your humble Seruant.' He describes a meeting at which business concerning Denmark, the Palatinate, the emperor, and France was considered.<sup>3</sup> He adds: 'My Lord Deputie is called in to consult of the *Scotch Affaires*, with the Arch Bishope, and *Hamilton*.'<sup>4</sup> That is to say, there was now a group of eight or ten important councillors—for changes were rapidly made—assisting the king in his most important affairs. When they dealt with foreign matters, they were the foreign committee; when the business which they handled related to Scotland, they were the Scottish committee. Because Scottish affairs were now all-important, it is for the most part of the Scottish committee rather than of the foreign committee that we hear.

The result of the changes and additions which were now being made was virtually a new group of particular advisers. Northumberland wrote: 'We haue here a new Committie appointed by his Majesty, that for these 3 or 4 Dayes past, hath dayly attended him. Of this Committie there is the Arch Bishope, Lord Treasurer, Marq. *Hamilton*, Lord Deputie, Lord *Cottingham*, Sir *Henry Vane*, Secretarie *Windebank*, and my selfe.'<sup>5</sup> It should be noted that the personnel of this committee corresponds exactly with that 'Committee of State' which Clarendon, writing about 1648, described as of the year 1640. This 'Committee of State', he says, men called 'the Juncto' and 'the Cabinet Council'.<sup>6</sup> In 1640 the Venetian ambassador wrote that the king was persuaded by the cabinet council of eight to give audience again to the deputies from Scotland.<sup>7</sup> Mr. E. I. Carlyle has doubted whether any such committee of state existed; but the description appears to me perfectly appropriate to the altered committee of foreign affairs directed particularly now to the principal consideration of state, the affairs of Scotland.<sup>8</sup> That no

<sup>1</sup> *Strafford Letters*, ii. 186.

<sup>2</sup> Lord Keeper Coventry to [Sir Thomas Roe], 16 August 1638: State Papers, Dom., Charles I, ccxcvii. 56.

<sup>3</sup> The earl of Northumberland to the earl of Leicester, 17 October 1639: *Sydney Papers* (London, 1746), ii. 613, 614.

<sup>4</sup> *Ibid.* p. 614.

<sup>5</sup> The earl of Northumberland to the earl of Leicester, 24 October 1639: *ibid.* p. 615.

<sup>6</sup> *History of the Rebellion*, i. 195, 196.

<sup>7</sup> Venetian Transcripts, xxiii. 10.

<sup>8</sup> *Ante*, xxi. 684, 685. Mr. Carlyle's account was, we believe, the first important

committee of state was ever formally appointed is probable enough; at least no record remains. But here was a committee attending to the various important affairs of state, and Clarendon's phrase may well have been in the minds of a great many others.

The committee was, however, at this time mainly engrossed with the Scottish business, and 'Scottish committee' was the name commonly given to it. 'This Committie,' Northumberland writes in December 1639, 'as I haue formerly written to your Lordship, hath lately had seuerall Meetings to consider, by what Means, the rebellious *Scotts* should be brought to Obedience; for all agreed, that it was vnfit for the King to condescend vnto their vnreasonable Demaunds.'<sup>1</sup> 'His Majesty,' Windebank writes about the same time,

near these six weeks last past hath been in continual consultations with a select Committee of some of his Council (of which I have had the Honour to be one) how to redress his affairs in Scotland, the fire continuing there, and growing to that danger, that it threatens not only the Monarchical Government there, but even that of this Kingdom.<sup>2</sup>

At this very time dispatches from Spain were communicated to the 'forraigne Committe'.<sup>3</sup> At this time also the letter which the Scottish covenanters had addressed 'Au Roy' and were sending to France was intercepted. Clarendon says: 'This discovery made a very deep impression upon the King. . . . Thereupon he first advised with that committee of the Council which used to be consulted in secret affairs, what was to be done.'<sup>4</sup> Early in 1640 the representative of the elector palatine writes that there is nothing he so much solicits 'as to beseech the King, and Lo<sup>as</sup> of the Junto' to consider what course his master should follow. He adds: 'The Scottishe Comittees are arrived, and will be admitted to theyr first Audience on Sunday next.'<sup>5</sup> In February another writes that the earl of Northumberland had just told him the Scots that morning 'were heard before the King & Cabinet Counsell by way of Petition'.<sup>6</sup> Certain notes of Windebank about the proceedings at the meetings with the Scots commissioners are endorsed: 'Comittees Couenanters.'<sup>7</sup> Of the first of these meetings the writer of a newsletter says: 'The Scotch Commissio<sup>ns</sup> were heard before y<sup>e</sup> King & y<sup>e</sup> Cabinet

account of the early history of the cabinet written from the sources, and continues to be of great interest and value.

<sup>1</sup> *Sydney Papers*, ii. 623.

<sup>2</sup> Windebank to Sir Arthur Hopton, 13 December 1639: *Clarendon State Papers*, ii. 81.

<sup>3</sup> Northumberland to Leicester, 19 December 1639: *Sydney Papers*, ii. 625.

<sup>4</sup> *History of the Rebellion*, i. 170, 171.

<sup>5</sup> Sir Richard Cave to [Sir Thomas Roe], 7 February 1639/40: *State Papers, Dom.*, Charles I, ccccxliv. 54.

<sup>6</sup> Thomas Smith to Sir John Pennington, 20 February 1639/40: *ibid.* ccccxlv. 81.

<sup>7</sup> *Ibid.* ccccxlvii. 19, 58, 96, ccccxlviii. 12, ccccxlix. 29 (3, 9, 12, 16 March 1639/40, 30 March 1640).

Councell & behaued themselues verie discreetlie.'<sup>1</sup> Charles thought it well to give to his council a formal narrative of 'what had passed att the Co[m]mittee appointed by his Ma<sup>tie</sup>: to heare those Lords and Gentlemen that came lately from Scotland pretending to bee sent from the Parliament there'.<sup>2</sup> Vane told Sir Thomas Roe that on the third occasion they were heard before the king, assisted by the archbishop, the lord treasurer, the marquis of Hamilton, the lord admiral, the earl of Traquair, Lord Cottington, and the two secretaries.<sup>3</sup> The foreign committee is mentioned by Windebank in March.<sup>4</sup> In April Strafford writes to the king that unless the money 'assented to by your Majesty and the *Scotch* Committee' be at once provided, he cannot raise the army in Ireland.<sup>5</sup>

In May 1640, at a meeting of the king with the archbishop, the lord lieutenant, the lord admiral, Cottington, and very probably others, Strafford advised the king: <sup>6</sup>

Goe vigorously on, or lett them a lone . . . goe on with an offencieue warr, as you first designed. loosed & absolved from all rules of gouernmt. being reduced to extreame necessity, euery thing is to be done as power will admitt, & that you are to doe they refused, you are acquitted towards god & man. You haue an Army in Ireland you may ymploy here, to reduce this kingdome.

This speech, presently revealed in parliament by Pym with the assistance of the younger Vane, soon acquired an ominous renown. The resultant proceedings, which culminated in the attainder of Strafford, caused much discussion, in which the meeting in question was several times described. 'That Paper', says a marginal note in the Journal of the House of Commons, 'was a Copy of Notes, taken at a *Giunto* of the Privy-Council, for the *Scotch* Affairs.'<sup>7</sup> The notes which Sir Henry Vane took, says Laud, were of proceedings 'at the private Committee concerning the Scotch affairs'.<sup>8</sup> Whitelocke says they were 'of some Opinions at the Council-Table of Juncto'.<sup>9</sup> Lord Digby speaking in the commons on the bill of attainder referred to 'what pass'd at the Juncto'.<sup>10</sup> In April 1641 Windebank, at the request of the king, wrote down what he remembered of it 'in Counsell at a Co[m]mittee'.<sup>11</sup> Another writer of this time spoke of the 'notes of passages at y<sup>e</sup> Counsell table'.<sup>12</sup> Strafford, speaking in his own defence in Westminster

<sup>1</sup> State Papers, Dom., Charles I, ccccxlvii. 30 i.      <sup>2</sup> Priv. Coun. Reg. li. 358-60.

<sup>3</sup> Vane to Roe, 13 March 1639/40: State Papers, Dom., Charles I, ccccxlvii. 107.

<sup>4</sup> *Ibid.* 42.

<sup>5</sup> *Strafford Letters*, ii. 411.

<sup>6</sup> State Papers, Dom., Charles I, cccliii. 31. These notes are not in Vane's hand, as Ranke thought.

<sup>7</sup> *Commons' Journals*, ii. 118.

<sup>8</sup> Laud, 'History of the Troubles', *Works*, iii. 295.

<sup>9</sup> Bulstrode Whitelocke, *Memorials* (London, 1732), p. 43.

<sup>10</sup> Rushworth, *Historical Collections*, iii. i. 226.

<sup>11</sup> State Papers, Dom., Charles I, cccclxxix. 37.

<sup>12</sup> Nathaniel Tomkyns to [Sir John Lambe], 12 April 1641: State Papers, Dom., Charles I, cccclxxix. 27.

Hall, called it 'y<sup>e</sup> Councell of eight'.<sup>1</sup> It may be added that the Scottish commissioners charged Laud with having spoken of them as rebels and traitors at 'the privy Jointo'.<sup>2</sup>

Meanwhile 'the Committee' and 'the LL<sup>ds</sup> of the Comitte' were attending to the principal affairs of the king.<sup>3</sup> In August 1640 proceedings about local matters, the army, and other affairs large and small, are endorsed by Windebank 'Notes of the Comitte of the 8'.<sup>4</sup> From abroad correspondents were writing to the 'forrayne committy'.<sup>5</sup> That the Scottish committee, called both *junto* and cabinet council, was practically, if not entirely, identical with the foreign committee is seen from a letter of the following year. 'I could wish', says the elector palatine, writing to Roe from Whitehall, 'you would also informe my L<sup>d</sup> of Essex of my businesse, for you know how well he is inclined towards it & the power he hath w<sup>th</sup> palament, besides the Juncto being disjointed, he will have a hand in forraine affaires as well as others.'<sup>6</sup>

In summary and in conclusion : it has been the purpose of this paper to show that in England the term 'cabinet council' was in frequent if not common use shortly after 1600 ; that the equivalent terms were well known to French and to Italian writers, though apparently not to Spanish writers (who used the word *junta*), at an even earlier time. In France a cabinet or secret and select small council appeared by the end of the sixteenth century ; in similar development a cabinet council or *junto* appeared at the English court at least as early as 1622. This English cabinet council, while at first it was probably no more than an informal group or committee of the king's most trusted advisers, was later generally the committee of foreign affairs, the principal standing committee of the privy council. The terms 'junto' and 'cabinet council' were about 1639 for the most part applied to the Scottish committee, but this committee was merely an aspect of the foreign committee, or else the members of the foreign committee diverted to what was for the moment the principal business of state relations with Scotland. 'The committee', as it was now called, was, as Clarendon described it, a 'council of state', assisting the king as a small powerful body of the principal advisers from his larger council in whatever important business arose to be dealt with by the government of England.

RAYMOND TURNER.

<sup>1</sup> *Ibid.* 28.

<sup>2</sup> *Speeches and Passages of this Great and Happy Parliament* (London, 1641), p. 514.

<sup>3</sup> Laud, *Works*, vii. 606 ; State Papers, Dom., Charles I, cccclxiii. 12.

<sup>4</sup> State Papers, Dom., Charles I, cccclxiii. 39.

<sup>5</sup> Sir Balthazar Gerbier to Windebank, 22 August/1 September 1640: *ibid.* cccclxiv. 70.

*Ibid.* cccclxxxiii. 15.

## *Canning, Wellington, and George the Fourth*

IT is well known that the relations between the two great men who represented England to the world in the second decade of the nineteenth century were unfortunate and ended in an open breach. But the causes of that dispute have never been settled. One suggestion has been that Canning was irritable and impatient; there have been sinister hints that Wellington was perfidious, or more intelligibly that he was simply obscurantist in all things.<sup>1</sup> None of these suggestions is wholly true, but the key to the mystery seems to be with the foreign diplomatists and the influence they exercised on the king. For the combination of duke and foreign diplomatists was formidable enough for any one to face, but what embittered and prolonged the struggle was the part played by King George the Fourth. The archives at Paris and Vienna<sup>2</sup> show in sufficient detail what that part was.

Even if we set aside Greville as a gossip and Creevey as a caricaturist, much that is almost incredible is told of King George by more sober authorities. Wellington, who certainly revered the office of king or regent apart from the person, said of him in 1818, 'You never saw such a figure as he is'. (Lord Folkestone had just written, 'Prinney has let loose his belly, which now reaches to his knees.') 'Then he speaks so like old Falstaff that, damn me, if I was not afraid to walk into a room with him.'<sup>3</sup> In 1820 he thought the king 'degraded as low as he could be already'. In 1827 the duke even denied that 'he cares a farthing about the Catholic question'. In 1829 he said of him, 'he has no idea of what a King ought to do', and that he had 'the worst judgment that can be'. That he fluctuated between one opinion and another, that he blustered before pages and *valets de chambre* and gave way before determined ministers, that he cajoled, deceived, and lied, seems admitted by Eldon and Lyndhurst, Peel and Wellington, Canning and Liverpool. But this chorus

<sup>1</sup> With reference to the congress of Verona these suggestions have been carefully examined by Mr. J. E. S. Green, *Trans. Royal Hist. Soc.*, 4th ser., i. 59-76, and *ante*, xxxv. 200, with reply by Miss Lackland, *ibid.* p. 574. As will be seen, other evidence in the main bears out the latter's contentions.

<sup>2</sup> I owe the first suggestion and much information as to these archives to my friend Professor Webster, but the quotations here given are from my own transcripts.

<sup>3</sup> Creevey, i. 279.

of blame and of ridicule is historically misleading, for it suggests that George IV was simply a figure of fun, and in no sense a serious politician. It is our purpose to show that this verdict is mistaken, and that, in foreign affairs at least, his opinions were sometimes important, and were, in any case, overrated by foreign powers, a fact which had serious political results both for him and for them.

The judgement even of the king's most unfavourable critics is interesting on one point. Even Brougham admitted that he had 'qualities far above mediocrity'. Wellington called him 'extremely clever and particularly ingenious in turning the conversation from any subject he does not like to discuss'. Sir William Knighton, his discreet personal adviser, spoke of him on his deathbed as 'one of the cleverest, most accomplished men in Europe'. Sir Walter Scott, another admirer, credited him with high qualities of head, as well as of heart. Here then critics and admirers are agreed. The king was clever, and it so happens that it was in diplomacy that his cleverness found a congenial field for intrigue.

One thing is certain. The king liked company and he liked most of all the company of certain foreigners. Among these were Count Münster, his Hanoverian adviser, Prince Esterházy, the Austrian minister, the Count and Countess (especially Countess) Lieven, the Russian representatives.<sup>1</sup> They met him in private at the Cottage at Windsor. He liked petty intrigue and mystery and they gave him both; he liked to talk German and they talked German; he liked music and wit and Countess Lieven gave him these. Except for the marchioness of Conyngham, the reigning mistress of George's affections, there were often no British subjects present at these interviews. Now the circumstances produced by Canning's accession to power lifted these intrigues to the level of real importance.

George IV had been afraid of Lord Castlereagh, and Lady Castlereagh had despised Lady Conyngham. Moreover, it seems certain that the king had realized, both in 1820 and in 1821, that Castlereagh was gradually drifting away from the congress system, and now thought it a good opportunity to return to it. Liverpool said George had 'strong prejudices' on the 'subject of legitimacy' which 'would carry him the full length of the principle of the Emperor of Russia and Metternich'.<sup>2</sup> If they were like Metternich's or Alexander's they meant that kings were a race of persons who used their armies to protect one

<sup>1</sup> Neumann, the Austrian *chargé*, was often at the Cottage at Windsor. So also was Polignac, the French ambassador. Marcellus, the French *chargé*, knew George IV but did not visit the Cottage.

<sup>2</sup> See *Letters*, 7 December, Wellington, and 8 December 1824, Liverpool: *Well. Desp.*, New Ser., ii. 365-6.

another against internal revolt, persons who controlled a 'European police' which they were prepared to send to 'restore order' in any country where there was a disturbance of 'established (i. e. kingly) authority'. These principles were not mere words. Austrian arms put down popular risings in Naples and Piedmont, a French army suppressed them in Spain. Metternich once offered 'to help us in Ireland', that is, to send Austrian troops to suppress Irish sedition. King George argued against recognizing Bolivar as head of the republic of Colombia, because that would encourage O'Connell to become head of the Irish republic. In 1825 George, the quondam whig, wrote, 'The principles promulgated by the King's [i. e. his own] early friends [e. g. Fox] were at that period [1793] the bane which threatened our happy constitution and endangered our peace and happiness. . . . The [King George IV] withdrew himself from his early friends for the good of the country.'<sup>1</sup> Now even so late as 1810 George boasted that 'he had bred up his daughter in the principles of Fox'. According to Wellington he changed his views in 1811 when he became regent. So that he and 'his early friends' had been undermining the constitution for seventeen years before he discovered his error. Since 1811 he had supported the alliance of the four great powers against those whom he styled the 'Jacobins of the World (now calling themselves the Liberals)'. His conversion, if late, would appear to have been complete.

With these reactionary sentiments, which in fact went beyond those of even so conservative a minister as Westmorland, George IV was an easy prey to the social seductions of the 'Cottage coterie'. It was natural, too, that difficulties should begin soon after Canning's arrival. For the line of attack was easy. George IV had only been forced by great pressure from Wellington and Liverpool to hand over the Foreign Office to Canning after the death of Castlereagh, since Canning had been a friend of Queen Caroline and had resigned office rather than countenance the penal measures and divorce proceedings against her. George IV could be stirred up against his foreign minister at any time that the 'Cottage coterie' thought it was to their interest to do so.

Besides inducing George IV to counterwork his foreign minister it was necessary also to excite opposition in the cabinet. Lords Westmorland, the lord privy seal, and Harrowby, the president of the council, needed no persuasion, but there was more difficulty about the most renowned subject of King George, the duke of Wellington. He had been the close friend of Castlereagh and, on the latter's death, had represented Great Britain

<sup>1</sup> *Well. Desp.*, New Ser., ii. 401-2.

at the Congress of Verona. But there, to the astonishment of the Continent, he had displayed alarming tendencies. Cajoleries were not spared. The widow of Napoleon played cards with him, Czar Alexander actually did him the honour of dining alone with him. But the duke remained inflexible. He refused to unite with the holy allies (Austria, Russia, and Prussia) in putting moral pressure on Spain, or with France in actually threatening force. He separated British action completely from the others, broke up the congress and the solidarity of the European alliance, and departed 'mécontent de nous tous' as Metternich said. What did all this mean? On the whole the 'Cottage coterie' thought that he had been temporarily induced to separate from the Holy Alliance and was only waiting to get rid of Canning to declare himself in their favour. At any rate the wish was father to the thought.

Early in 1823 a critical situation arose. France had massed an army on her borders and threatened to invade Spain unless she dismissed her liberal ministers and reformed her recent and democratic constitution. Marcellus, the French *chargé*, visited the duke shortly after his return from Verona on 3 February. The duke told him the French army could go to Spain 'without delay and without danger', but warned him that, when it got there, it could not remain there indefinitely and would only end by embittering Spain and injuring French interests.<sup>1</sup> At the end of the month a new crisis arose, for the French King's Speech contained this passage, 'Let Ferdinand be free to grant [to Spain] institutions which they cannot hold but from him'. If Spain did not 'liberate' her king France would attack her. Now this was a direct challenge to England, for England's liberties and institutions had arisen from parliament and the people and not from the throne. Even Esterházy and Lieven, though approving the sentiment, thought it would have been better to omit it. Canning and Liverpool protested at once and most vigorously to Marcellus with a view of marking the gravity of the case. Liverpool, as prime minister, told Marcellus that the cabinet had proposed to insert in their King's Speech a statement

<sup>1</sup> 3 January 1823, Marcellus to Chateaubriand. (See also p. 225, n. 1, below.) This seems to dispose of the suggestion that Wellington secretly advised them to go ahead. These and other quotations are from the Archives Diplomatiques, Paris, Affaires Étrangères, Angleterre, tome 616. These official dispatches of Marcellus may be considered as authentic. Those printed in his book *Politique de la Restauration*, Brussels, 1853, are the private letters. They are coloured, but the chief error is putting sentences into the mouths of statesmen, &c., at dates different from the time when they really were spoken. Thus a private letter reports a conversation with Canning on 11 February, but the actual dispatch reports it the 14th. In another case a conversation printed in the private letter on 26 April is actually reported in the dispatch on 2 March. The falsifications seem deliberate, and to be done for dramatic effect, but the general tone, &c., of the private letters agrees with that of the dispatches.

as to British neutrality between France and Spain in case of war, and that they now proposed to omit it, and told him later that all England condemned the French King's Speech. Even Westmorland, Harrowby, and Wellington told Marcellus that it was too strong. Marcellus summed up the situation to Chateaubriand. If the French invasion of Spain were retarded, British public opinion, of which Canning was the leader, would get violent and force the ministry into war. If the French attacked immediately, there would not be time to work up feeling and British neutrality would be certain. Therefore, said Marcellus, let us go to war at once. 'Several [British] ministers have expressed to me the hope of seeing our army take the field in Spain and hurry to Madrid.' This was on the 11th. On the 14th, on coming out from the cabinet, Westmorland said to Marcellus, 'Are your troops already in Spain?' 'Who stops you?' added Harrowby. Certainly not King George, for 'a good source' reported to Marcellus 'the interest he takes in our cause and that he sees with joy the rights of legitimacy sustained'.<sup>1</sup>

When certain cabinet ministers and the king actually advocated a policy contrary to that of the prime minister and foreign secretary by urging France to attack Spain, it seemed useless for the two latter to omit the word 'neutrality'. The king's talk in private effectively negated the result of his 'Speech' in public. News from abroad made him go even further. Marcellus was informed by a dispatch from Chateaubriand on 17 February that the three allied ambassadors in Paris had unanimously declared that if England broke her neutrality and attacked France 'the Continental Powers would be obliged to make common cause with her' (i. e. France).<sup>2</sup> We may be sure this got round to the 'Cottage' by way of Esterházy, for Wellington knew of it even before this date.<sup>3</sup> On 3 March the king informed Esterházy that he 'strongly disapproved' of his government having permitted the export of arms to Spain as an unneutral act, that it had been done without his consent and, if the Foreign Enlistment Act had to be altered to permit it in future, he would veto the alteration. He did not altogether like some of the French acts, but Austria could count on his 'strict neutrality'. Personally he lamented the death of Castlereagh

<sup>1</sup> Hertford and Lonsdale had approved the French Speech: Paris, Affaires Étrangères, Angleterre, 616, Marcellus to Chateaubriand, 11-14 February 1823. There had been a division in the cabinet over omitting the word 'neutrality' in which Canning and Peel carried the day against Westmorland and Bathurst, Liverpool and Wellington acting as mediators. The 'good source' is probably Esterházy.

<sup>2</sup> Paris, Affaires Étrangères, Angleterre, 616, Chateaubriand to Marcellus, 17 February 1823. Alexander, for his part, made a formal declaration a little later: Chateaubriand, *Œuvres*, xii. (1922) 257-8.

<sup>3</sup> Wellington to Canning, 10 February, *Well. Desp.*, New Ser., ii. 32.

and had disapproved of Wellington's conduct at Verona. 'With the best will to do good, I often have to limit myself to preventing evil. . . . In vain you tell me "I can always change my Ministry"'. Certainly in extreme cases, but sometimes the remedy was worse than the disease.' On 25 March he went further still: even Marcellus thought his language 'trop haut'. 'It is time', said he to a reliable person (apparently Esterházy), 'that my Government should come out of this shameful uncertainty which delivers me to the suspicions of Europe and perhaps makes it think that I hesitate between order and anarchy.' If these remarks meant anything, they meant that he disapproved of the British separation from the allies, and of Wellington's action at Verona, and that Canning would be dismissed if he departed from strict neutrality to France or showed sympathy with Spain.<sup>1</sup>

This was exactly what Canning had been doing. The duke di San Lorenzo, the Spanish ambassador, had left Paris, on receiving his passports, and had come to England. Canning appeared with him and the duchess publicly at the opera. On 11 February Canning in a public speech at Harwich had said England was ready for any emergency. This was moral pressure to force France to stay her hand. He had another and powerful weapon, for he could appeal to British public opinion by laying papers before parliament. That was always ominous, for papers with regard to recent negotiations were then rarely laid except previous to a declaration of war. Canning's game, then, was to play on French fears by this action. Before the end of March the failure of such a policy was certain owing to the king's interference and assurances and to the known divisions in the cabinet. Canning realized himself that it had failed and that war was inevitable, and that it was not worth while to threaten not to be neutral any longer. On 30 March he therefore addressed a dispatch to Paris, indicating that England would observe a strict neutrality in Europe if France attacked Spain only, and abstained from attacking Spanish America. He had not long to wait. On 6 April the French invaded Spain and war began.

On 14 April Canning stood at the bar of the commons with his papers in his hand. After describing the Congress of Verona and subsequent attempts to maintain peace, he turned to the French King's Speech which had declared that Spain could only have her constitution 'as an emanation from the Crown'. That principle he viewed 'with disgust and abhorrence'. Not a day had been lost in remonstrating with France, for 'that principle

<sup>1</sup> Wellington would hardly have endorsed all these remarks, but it is characteristic that the king wrote to him (19 March) saying 'my feelings are in complete unison with your own on this question. My confidence is in you and you *only*.' *Well. Desp.*, New Ser., ii. 71.

struck at the roots of the British Constitution'. England would not support Spain against France, but 'I hope she [Spain] will come triumphantly out of this struggle'. On 28 April he spoke again and made clear the breach between the allied 'doctrine of the European police' and the English doctrine that no power ought to interfere in the internal affairs of other states. England, he said, would 'keep within reasonable bounds that predominating areopagitical spirit', which was 'never intended for the government of the world'.

These two speeches set the 'Cottage coterie' in great alarm, and complaints went out to all the European cabinets. But Canning had calculated with the coolest daring: the alarm in European cabinets would be great, but so would the popular enthusiasm throughout England. The last would enable him to defy the first. 'I wish', wrote he to Bagot, 'you could have seen the *ultrageous* faces—ultra in either extreme—the first time I met them after the 30th April.' He knew what he was about, and on 4 May told Marcellus that his own position was now safe both in parliament and the country. On 8 May Metternich wrote to Esterházy of the 'revolutionary language' of Canning's speeches; the czar of Russia sent the same message to Lieven. But Canning's attitude was so formidable that they only dared to hint at disapproval. On 17 May Wellington told Esterházy that he thought Canning had improved. But all that Metternich and Alexander could do was to carry their sentiments to Wellington and the king behind Canning's back.<sup>1</sup> 'Since April 30th . . . I have had pretty much my own way,' wrote he. 'I believe you may consider my Politics as those of the Government as well as of the Country.'<sup>2</sup> He had indeed strengthened his personal position, but he had been unable to impose his policy.

On 21 April Marcellus was presented for the first time to the king. Early in May a passage appeared in *The Times* stating that George had addressed Marcellus as follows: 'Tell your master I wish him success with all my heart, he has my best wishes.' *The Times* added they did not believe the story because, if so, the king must be mad. Marcellus formally (and correctly) denied that the words had been used to him. But on 6 May the king said in private:

I have not used to Marcellus the language attributed to me, but these wishes for the cause of France are the core of my thought. . . . The

<sup>1</sup> Wiener Staats-Archiv, Berichte aus London, 1823, Esterházy to Metternich, 27 July. When Esterházy did, under instructions, complain of Canning's having wished that Spain should come 'triumphantly out of the struggle', Canning said that as Spain's independence had been attacked, he could not wish well to the aggressors. This ended the conversation. Lieven seems not to have dared to make any official protest on behalf of Russia until July: see Metternich to Esterházy, 8 July, and Martens, xi. 308.

<sup>2</sup> Bagot, *George Canning and his Friends*, ii. 180.

Duke di San Lorenzo is drawn in triumph, invited and caressed by my Ministers, and these Ministers [i. e. Canning] publicly utter wishes against France with whom we are at peace. Is that neutrality and an honest neutrality? &c.<sup>1</sup>

On 7 May the king told Esterházy that he was very angry at Canning's speech, and that Wellington agreed with him. He had, he said, written Canning a letter telling him to 'avoid carefully all that could give a false interpretation to the position taken up by the government'. Canning appeared just before the next levée and said, 'I have to express to your Majesty all my thanks for the letter you have done me the favour to address me'. George owned that he had not quite expected thanks. 'I confined myself', said the king, 'to telling him that it pained me to have to write to him and that I recommended him to keep strictly to the matter in hand.' Esterházy improved the occasion by producing a letter from the Emperor Francis congratulating George on 'his noble sentiments' which he had been charged to deliver to King George without the knowledge of Canning. At this moment Lieven entered. George repeated his previous remarks and charged both ambassadors to tell their imperial masters that they could count on him confidently, as his principles remained invariable.<sup>2</sup> On 12 March Esterházy said the king wanted to get rid of Canning. The king claimed that Wellington agreed with him. Marcellus stated that 'wishes for our success' had been expressed by Wellington as well as most of the older ministers.<sup>3</sup> Thus several ministers and the king had privately expressed hopes for the success of the French army, while Canning had publicly expressed the hope that it would be defeated.

The crisis was now over. For it was known, first by the king's indiscretions, then by Canning's dispatch, that Great Britain would keep to a strict neutrality. Hence the passage in King George's speech had failed of its effect. The French succeeded so well that the Spanish liberals had to carry away King Ferdinand in captivity from Seville to Cadiz, after having

<sup>1</sup> Paris, *Affaires Étrangères*, Angleterre, 612, Marcellus to Chateaubriand, 6 May. 'You may count on the exactness of this.' Probably Esterházy was the person who gave him this information.

<sup>2</sup> Wiener Staats-Archiv, *Berichte aus England*, 1823, Esterházy to Metternich, 7 May.

<sup>3</sup> Paris, *Affaires Étrangères*, Angleterre, 617, 17 July, Marcellus, Instructions pour le Prince de Polignac. In fact Marcellus seems to have been mistaken about Wellington. The duke does not seem to have rejoiced at the French successes over Spain. He told Esterházy that 'it was an immense triumph and one for all governments of Europe as it constitutes the true defeat of the revolutionaries'. What he meant was he was very glad that France could rely on her army. This is not a rejoicing over Spanish defeat, but over the good moral of the French army, a very different thing: see Wiener Staats-Archiv, *Berichte aus England*, 1823, Esterházy to Metternich, 17 May.

declared him incapable of ruling. The success of this invasion caused King George to congratulate Marcellus on 11 July at a ball at Carlton House.<sup>1</sup>

'They claim', said he, 'that Ferdinand has again recalled as Ministers at Cadiz those who deposed him at Seville. That is a weakness I shall never imitate. They wished here recently to make me pass for mad, and you know the pretext better than any one' (*The Times*), added the king smiling. 'At the time I told Lord Liverpool to take care. If my ministers one day declared I was mad I might take back my senses, but I should never take back my ministers.'

Shortly afterwards Canning began to talk to Marcellus. George approached :

'What are you speaking about to the representative of France?' said he, jestingly. 'Sir,' answered Canning in the same tone, 'I spoke to him of the excellence of representative government and of forced labour in the commons.<sup>2</sup> M. Marcellus cannot be an orator at home, and he is an auditor abroad.' 'I see,' interrupted the king, 'this year, M. Marcellus, you have been an auditor under painful circumstances. I have made a complaint to you that it was necessary you should hear, and if you had not kept your mouth shut, and if parliament could have heard you, you would have had great difficulty in answering.' Mr. Canning was very disconcerted by this language. 'Sir,' said Marcellus, 'the sailor forgets the storm when the calm returns.' 'Very good,' said the king, 'but don't be carried away by our system of government which is said to be so reasonable. If there are advantages there are inconveniences, and I have never forgotten what a witty king once said of it to me.<sup>3</sup> "Your English government", he assured me, "is only good to protect rascals (*les coquins*) and intimidate honest men."<sup>4</sup> What do you think of that, Mr. Canning? Is there not a great fund of truth in it?' The minister, embarrassed, hesitated to answer. 'We are still alone', said the king, 'in our kind of government and for the good of the world we ought not to desire our institutions for any other people. What is almost good with us would not be so with others. Every land has not the same fruits above or minerals below it. It is thus with nations, with their manners and with their character. Remember this, M. de Marcellus, it is my opinion fixed and unalterable.'

After the king moved away Marcellus says that Canning added bitterly: 'Representative government has still one advantage that His Majesty has forgotten. Ministers have to endure, without

<sup>1</sup> Paris, *Affaires Étrangères*, 617, 11 July 1823. The version here given is that in the dispatch. It differs only slightly, but there are some omissions from that printed in *Politique de la Restauration*, pp. 24-6.

<sup>2</sup> This was a reference to the fact that, on becoming foreign minister in 1822, Canning wrote to Chateaubriand saying 'he was restored to the labouring oars for life'.

<sup>3</sup> Apparently Louis XVIII.

<sup>4</sup> In the printed version Marcellus uses the word 'aventurier' instead of 'coquin'. This is to show that Canning, who was sometimes called 'an adventurer', was aimed at. This seems clear anyhow without introducing a wrong word.

answering back, the epigrams by which a king seeks to avenge himself for his impotence.'

The last sentence in this remarkable interview is not in the official dispatch and may have been invented by Marcellus. But another official dispatch just after said something similar. 'Canning is not devoted to the king nor the royal family (he knows that in England this is not the first of duties). He says proudly that he came to power without them and will not fall because of them. He wishes to be monarchical without ceasing to be popular.'<sup>1</sup> Marcellus's final advice was this.<sup>2</sup> Wellington's attempt to stop intervention at Verona and Canning's attempt to stop the war had failed. The king and the majority of ministers, including Wellington, were, he said, now (18 July) favourable to French success. France could go ahead in Spain without fear. Canning was the danger. French interests required either a change in his policy or his dismissal. Mr. Canning had captured Lord Liverpool, and even Wellington felt the weight of his popularity and talents. His position with parliament and people was too strong for him to fall. He must, therefore, be made to change his opinions, as he could not be dismissed. Let him be invited to attend at congresses, let him be cajoled and loaded with honours by Europe. As he was without honour and of a plebeian birth, these cajoleries would appeal to him and prevent him from separating England from Europe. Polignac, the new French ambassador, who now succeeded Marcellus, at once endorsed these opinions. He brought over a letter from Louis XVIII to be delivered secretly to King George. He repeated that the latter had first told Esterházy that his opinions were exactly the same as the French.<sup>3</sup> However, until Canning could be cajoled he had better be left alone. The Austrian *chargé* complained, 'If we had no other source but Canning as to British policy we should learn very little. Fortunately we have the duke of Wellington.'<sup>4</sup>

Now these indiscretions at the Cottage were not unknown to Canning. He probably knew that secret letters of Louis XVIII and the two emperors had come to the king; he knew something, if not all, of the conversations between Wellington, Westmorland and Harrowby, and the various foreign diplomatists. He had agents and spies whom they did not suspect, and one of them was frequently at the Cottage. Lady Conyngham was pleased because he had made Lord Francis Conyngham his under-

<sup>1</sup> Paris, Affaires Étrangères, 617, Marcellus to Chateaubriand, 22 July.

<sup>2</sup> *Ibid.*, Marcellus to Chateaubriand, 18 July 1823.

<sup>3</sup> *Ibid.*, Polignac to Chateaubriand, 1 August. It is uncertain whether Louis XVIII's letter was delivered: Chateaubriand, *Œuvres*, xii. 294.

<sup>4</sup> Neumann to Metternich, 26 August, Wiener Staats-Archiv, Berichte aus England, 1823.

secretary, and through that source he seems to have obtained information. He said little, but he knew things that neither Wellington nor the 'Cottage coterie' suspected.

The French army entered Cadiz and at the end of September crushed the constitutionalist movement, and liberated King Ferdinand. Ferdinand promptly disavowed the constitution, and proceeded to shoot the most prominent constitutionalists. That was Spain's own affair, thought Canning. But he could not allow French armies, which had invaded European Spain, to attack the Spanish colonies to restore Ferdinand's authority there. Nor was he going to permit a European congress to decide the matter. In the first days of October he held some memorable conferences with Polignac. He asked him France's intentions towards the Spanish colonies, and said plainly that an attempt by France to subjugate them meant war with England. Polignac was taken aback. He disclaimed any attempt on the part of France 'by force or menace' to recover the Spanish colonies for King Ferdinand. Canning promptly embodied this disclaimer in a Memorandum, forced the astonished Polignac to endorse it, and circulated it to the cabinets of Europe and, at a later stage, to the United States. The suddenness of the attack had outmanœuvred Polignac. There had been no time for the continental powers to protest. Polignac had given assurances in conversation and was astonished to find them formally embodied in a state paper. With this phase we need not here deal, for Wellington and the king had been equally unable to intervene. But, incidentally, it showed the power of Canning, for the Memorandum of the Polignac Conference, more than the Monroe Doctrine, is the real warning which said 'Hands off' to European powers who sought to interfere in America. As for the diplomatists of Europe, when they saw the Memorandum, Neumann wrote (7 November): 'It is impossible to express their astonishment.'<sup>1</sup>

Canning had scored heavily in this affair. All that the continental powers could do in reply was to summon a congress on American affairs. This would, it was hoped, prevent England from separating from Europe and no doubt provide the required opportunity for cajoling, flattering, and hoodwinking Canning. The king, certainly, was with them in wishing to unite England with continental sympathies and sentiments. But Wellington was not anxious for a congress, and he had expressed his views with soldierly bluntness to both Neumann and Lieven at the end

<sup>1</sup> Wiener Staats-Archiv, Berichte aus England, 7 November, 1823. In a later dispatch to Paris Metternich says Canning was 'master of the terrain' and that 'his manœuvre was cleverer than that of the French ministers' whom he had isolated from the Holy Alliance: Wiener Staats-Archiv, Weisungen nach Frankreich, Metternich to Vincent, 18 March 1824.

of August. England was not going to reconstruct Spain or guarantee its internal order whether the allies did it or not. Anyhow it was not to the interest of the European alliance to have England in its ranks. 'Before all you must avoid being controlled by the "habitans de Westminster"'. He meant by this the Jacobin party of this country [i. e. England], who, if England took part in any [i. e. Holy Alliance] transactions, would arrogate to themselves the right of examining and censuring all that should be done, which would produce discussions in public that it is useful to avoid.' He added significantly that he was one of the moderate party in the cabinet and not prone to exaggeration.<sup>1</sup> These sentiments, if known, as they probably were, to Canning, must have horrified him. But the duke agreed with Canning on the one point of not wanting a European congress.

It would have been well if the continental powers had recognized this, but they did not, and they induced Spain to propose a congress on the Spanish colonies at the beginning of 1824. They at once struck a rock, for Canning declined positively to enter into a congress.<sup>2</sup> The allies did not understand this negative. Chateaubriand and Metternich returned again and again to the charge, sometimes privately addressing the king or the duke, but they were always rebuffed. Relations between Wellington and Canning were not good, but they were agreed on this point though for different reasons, and when Wellington and Canning were agreed neither King George nor the whole 'Cottage coterie' could prevail against them.<sup>3</sup> All the king could tell Esterházy was that he regretted the death of poor Castle-reagh, and was now disinclined to speak of the affairs of Europe.

The question of the congress had been decided in the negative. England was thus far isolated, and Canning and Wellington agreed on that isolation despite the plaintive opposition of King George. A struggle was now to take place between Canning and the duke in which the king supported the latter. That struggle was to be over the recognition of the Spanish-American colonies as independent states. Canning had dispatched consuls to certain of these republics in October 1823, and, though their

<sup>1</sup> Wiener Staats-Archiv, Berichte aus England, Neumann to Metternich, 26 August 1823.

<sup>2</sup> Dispatch of Canning, 30 January 1824, printed in *British and Foreign State Papers*; cf. *Well. Desp.*, New Ser., ii. 188-90. It seems certain that the allies counted on the fact that relations between Canning and Wellington were strained, and did not expect them to agree on anything. See a private undated note of Esterházy to Metternich, (December) 1823, and also 22 November 1823, Wiener Staats-Archiv, Berichte aus England, 1823.

<sup>3</sup> It is rather interesting to read in Lord and Lady Wolseley's *Letters* (1922), p. 157, that 'in opposing the Queen's wishes . . . the difficulty is always to get a Cabinet to be unanimous'.

functions were purely commercial, such a step implies indirectly and ultimately recognition. This fact was perhaps not understood at the time and certainly was not recognized by the duke and the king. Both agreed in wishing political recognition to be deferred as long as possible. Other causes tended to irritate both. Metternich complained to Wellington of some expressions used by Canning describing Austria's having paid up her loan to England as a 'Godsend'. The duke admitted he was 'astonished' at the 'language'. The king complained to Liverpool and Wellington of Canning's speech at a Mansion House dinner, and suggested that he had thus marked a difference between himself and the rest of the cabinet and that these 'attempts to acquire popularity' were 'injurious to the king's service'. The premier and the duke had to concoct an apologetic letter to the king, stating that Mr. Canning had not intended to give him 'pain'. These incidents did not improve the relations of the two ministers. On 12 June the king told Esterházy he was only waiting a good opportunity to get rid of Canning. The question of recognition of the Spanish colonies was not to be delayed. Wellington tried every argument. The state of Ireland was bad, why yield to 'stockjobbing clamour and self-interestedness' over Spanish America? (12 June). The preliminaries of a commercial treaty with Buenos Ayres were being suggested at this time, and it was decided, after much debate in July, to send out an agent to treat. Wellington objected strongly to this and tried to delay it, but Canning refused and replied (19 August): 'I cannot believe the public feeling on this subject to be so indifferent as you seem to suggest.'<sup>1</sup>

The Holy Alliance had already been renewing its intrigues. On 30 May Neumann reported Wellington as having listened, without dissenting, to suggestions that Canning would soon fall and that their relations with the Continent might be resumed. He also stated that another member of the 'saine partie' of the cabinet (probably Westmorland) proposed a complicated scheme with reference to negotiating with the Spanish colonies. This proposition, if made by Austria, would 'give us weapons (*armes*) against Mr. Canning, whom they would like to see upset, and who perhaps would be, if his hand was forced, but there was no time to lose'. Neumann reported that the king approved of this plan and that Canning had been recently opposed in the cabinet.<sup>2</sup>

<sup>1</sup> *Well. Desp.*, New Ser., ii. 298. Both the king and Metternich subsequently contradicted the duke and stated 'public opinion' demanded recognition. See dispatch of Sir H. Wellesley, 17 January 1825, to Canning in Record Office; Canning to Granville, 15 February 1825, Record Office, both in F.O. France, 146/71.

<sup>2</sup> Wiener Staats-Archiv, Berichte aus London, Neumann to Metternich, 30 May 1824; cf. Metternich to Gentz, *Mémoires*, iv. 703, 30 June 1824, 'Le Cabinet commence à s'élever assez vivement contre Canning.'

This greatly encouraged Metternich, for he wrote a long letter to Wellington on 14 June. On 1 July Esterházy, instructed by him, warned the duke and the king that Austria had not changed, but that 'the hope of the better *marche* of the British government was beginning to disappear'. On 29 July George told Neumann at the Cottage that public feeling and the merchants would force steps to be taken to guard British commercial relations with Spanish America, but that he would not recognize the new republics. On 16 August Wellington complained to Esterházy of Canning's bad relations with France, and said that his own recent visit to Paris convinced him that they might be improved.<sup>1</sup>

At this stage a most unfortunate personal incident supervened. With the king's knowledge and connivance Wellington wrote a letter to Canning on 5 October, saying that he had heard 'from the King's Equerries' that 'you [Canning] proposed paying a visit to Paris' and that it would result in 'inconvenience to the public and annoyance to yourself'. Canning replied tartly that 'another member of the Cabinet' (Lord Westmorland) had just come back from Paris and had had a conference with the king of France on Spanish America, to the recognition of which he was opposed, and that he had not reported to the foreign secretary the results of that conversation. An angry correspondence ensued, in which Wellington was forced to admit that Charles X had advised Lord Westmorland against the recognition of the colonies. Canning then sent the correspondence to Liverpool, stating that he knew the king had concocted the letter of 5 October with the duke, though the latter had not admitted it. 'Now this I hold not to be fair . . . it is high time to look about one, and to beware of what Burke calls "traps and mines"'.<sup>2</sup> Liverpool tried to pour oil on the waters, but a copy of Canning's letter found its way to the duke, who did not see his way to continue the correspondence. On 17 October Metternich told Esterházy to tell the king that Canning 'could not last' and to 'assure the king of his sympathy'.<sup>3</sup>

The breach between the duke and the foreign secretary had perceptibly widened when they met in the cabinet on 6 December 1824 to decide the fate of Spanish America. They were agreed on one point. They both intended to prevent Spain from interfering with British trade in South America or France from landing troops there. But Wellington thought full political

<sup>1</sup> Wiener Staats-Archiv, Berichte aus London, 1824, Neumann, 15 August, *privé*; Esterházy to Metternich, 16 August.

<sup>2</sup> *Well. Desp.*, New Ser., ii. 325. The collusion of the king in the letter of 5 October is proved by Esterházy to Metternich, 12 October, *privé*, Wiener Staats-Archiv, Berichte aus London, 1824.

<sup>3</sup> Wiener Staats-Archiv, Weisungen nach London, Metternich to Esterházy, 17 October.

recognition should be delayed as long as possible because to announce it would be to anger the holy allies, and finally to separate Europe from England. Canning thought it absurd to deny recognition to colonies which had obtained independence and stability, and considered it a positive advantage to take separate action without calling a European congress. One great motive of Canning's action was that he thought that unless England acted quickly, the Spanish American states would gravitate towards the United States. In two words the situation was this, the duke did not want England to be isolated in Europe ; Canning did not fear this, but he did not want England to be isolated on either American continent. The one thought delay would save the situation in the Old World, the other that immediate action would save it in the New. Between these two views there could be no compromise. It was a question of victory or defeat. Wellington tried to detach Liverpool by writing to him that nobody in the cabinet favoured immediate action 'excepting one' (7 December), and threatening to resign. He added that the pressure was inconsistent with the king's principles. Liverpool courteously but firmly made clear that even the duke's resignation or the king's displeasure could not shake his opinion, 'which has not been hastily formed'. On the 14th the contest was severe, and after a three hours' battle Canning emerged from the cabinet heated, exhausted, and indignant, and determined to carry the measure or resign. On the 15th the cabinet considered a Memorial to the king in which Liverpool and Canning recommended recognition and tendered their resignations. Peel had at length come round, and the duke found himself in a minority.<sup>1</sup> It remained to convince King George.

'Are the cabinet unanimous?' asked George of Liverpool when he presented the Memorial on the 16th. Liverpool admitted that there had been differences. On the 17th the king informed Liverpool that he differed from the majority of the cabinet. He would not oppose any measure to secure commercial stability for his subjects, but recognition should cover that only and should 'not be regarded as measures of war or retaliation against other Powers'. He also stipulated that the allies should be informed. To this the cabinet assented, and thereupon George unscrupulously claimed that he had told Liverpool that the allies should be consulted before any steps were taken. It is difficult to tell a king he is mistaken about a conversation, but at this point the duke, though smarting from his defeat, opposed the king. On 18 January 1825 Wellington spoke to Esterházy of the mistake he had made in bringing Canning into office against the king's wishes, and regretted that he could not now

<sup>1</sup> Eldon was one of the minority. The evidence in this and the next paragraph has nearly all been published.

be dismissed. Such an attempt would not succeed, and, if it did, could not be justified in the sense of British interests as a great majority of the people regarded them. If Canning felt he would appear to be the victim of an intrigue, which would give him more popularity than ever. The duke believed that he himself had a great influence on the king's mind, and he was going to use it, otherwise there might be a *coup d'état*.<sup>1</sup> But though Wellington had surrendered, the king persisted. His action was folly because Canning lost no time in committing the government irrevocably. He sent out a circular to his ambassadors stating somewhat optimistically that 'his majesty has been graciously pleased to comply with the advice of his confidential servants', and that commercial treaties were being negotiated with Buenos Ayres, Columbia, and Mexico. This was on the last day of 1824. He informed the whole diplomatic corps of his proceedings on 11 January 1825. Even Esterházy saw the game was up on 18 January, but the king on the 27th demanded individual opinions from his ministers *seriatim* as to whether the great principles of 1814, 1815, and 1818 'are; or are not, to be abandoned'. The cabinet, in reply, declined to give individual opinions, and pointed out that their action in dissenting from the allies had been endorsed by the king in 1821. The king answered on 30 January that he consented so long as 'the system of confidence and reciprocal communication with the Allies is maintained'. On 8 February the king told Esterházy that no one could doubt his own sentiments, but, as he could not dismiss Canning and Liverpool, he had been obliged to yield.

Thus the question was settled, but Canning had not done with the king. He pointed out to him in a letter of 1 February that only two matters of importance in 1824 had been withheld from the allies and, in each case, on decision of the whole cabinet. One objection to unreserved confidences with the allies was that two important secret papers had been published in the press during the last year by one or other of the allies.<sup>2</sup> Perhaps Canning did not know that the culprit who revealed one of them was Wellington.<sup>3</sup> The king was on the rocks, abandoned by Wellington and defeated by the cabinet. He answered in a

<sup>1</sup> Wiener Staats-Archiv, Berichte aus London, Esterházy to Metternich, *privé*, 18 January 1825; cf. a similar passage 15 of January 1825 in Gentz, *Lettres Inédites*, ii. 440.

<sup>2</sup> Stapleton, *George Canning and his Times*, p. 426. One was the Russian memorandum on Greece, published in the Paris papers. The other was the confidential British offer to guarantee Cuba which Canning thought Spain communicated to her allies. See Record Office, F.O., France, 146/71, Canning to Granville, 21 June 1825.

<sup>3</sup> The guarantee was offered confidentially in March 1824, and Wellington revealed this fact to Esterházy in May 1824. See Wiener Staats-Archiv, Berichte aus England, Esterházy to Metternich, 30 May 1824. The duke said that with the British dispatch of 31 March 1824 to Spain 'en même tems on avait fait offrir à l'Espagne la garantie de l'île de Cuba, si elle voulait négocier pour l'indépendance de Mexique. . . J'observai ici au duc que la condition était trop onereux pour pouvoir l'accepter.'

'decidedly conciliatory' manner and 'desired that the matter might be dropped'. But he still sulked and refused to announce the new measures in the King's Speech. He had the gout and had lost his false teeth, he said, and could not speak in public. So it fell to Eldon as chancellor, another opponent, to make the announcement, which he did with a very bad grace and no enthusiasm. On 27 April, when Canning was ill in bed, Sir William Knighton called on him, and in substance promised that the king would amend his ways and break off from the 'Cottage coterie'. On the whole he kept his word. On 21 August Esterházy wrote to Metternich that the king spoke to him much less of affairs than formerly, that he had just told him that he liked Canning no better than before, and never could like him, but that he had great talents and was 'necessary'.

Canning knew all about the coterie, and he had realized that the South American question had been the opportunity for Metternich to overthrow him by playing on the duke and the king. He wrote to Granville (11 March 1825) that this intrigue had been proceeding 'for the last twelve months at least, perhaps longer'. Metternich was at the bottom of it, he said, and Madame Lieven was 'the organ' and the aim 'to change the politics of the government by changing me'.<sup>1</sup> How far were Canning's charges true? It cannot be denied that Metternich, at any rate, had been working both on the king and on the duke to oppose him and that the intrigue had reached its height in the summer of 1824. That it succeeded in embittering the mind of the king seems clear, for, according to Canning, he used some 'incredibly ill-advised expressions' in a letter which has not come down to us, but of which Canning was aware.<sup>2</sup> Again, when a mysterious cabinet minister, with the king's approval, suggests to a foreign power that they should make a proposition in order to give them (i. e. part of the cabinet) 'weapons' against Canning, the intrigue can hardly be denied. Canning is sometimes described as an intriguer, but he had nothing to learn in this respect from his king and at least one of his colleagues. All this explains why Canning wrote to Granville (11 March 1825) telling him to hint to Metternich, who was then visiting Paris, that he was not wanted at Whitehall or Windsor. 'He would have come to triumph, I would advise him not to come to intrigue.' Metternich had his cue and wrote to Esterházy to tell Wellington and the king secretly that the separation of England from continental politics would not permit him to visit London.

<sup>1</sup> Stapleton, *Correspondence*, i. 258. Evidence about the Lievens is hard to obtain, but Canning gives an instance of their influence on the king in *Well. Desp.*, New Ser., ii. 319. See Creevey and Lieven, *Correspondence*, i. 36-9; and Daudet, *Une vie d'Ambassadrice*, pp. 108-11, 114.

<sup>2</sup> Wiener Staats-Archiv, Berichte aus London, Neumann to Metternich, 30 May 1824, mentions a letter of King George, but the text is missing.

The allies had learnt their lesson. So had the king. On 13 October 1825 Canning wrote to Granville that the king had begun showing him all his secret Hanoverian correspondence, significantly adding '*comprenez-vous?*'<sup>1</sup> Metternich's secret instructions to the successor of Esterházy, written just after this date, are even more illuminating.<sup>2</sup> The king, he said, had real knowledge, and his political principles were 'very correct', and his faith in Austria had once been 'like a religion'. But Canning had begun to prevail with the king. The '*grande déviation*' from correct principles in the last years had been due to Canning. As for Wellington, nothing was to be hoped of him. He was '*dépourvu de tout talent politique*'. The final blow was that Lieven abandoned Esterházy, and therefore Madame Lieven was unable to assist Austria with the king. This defection had become apparent in September 1825. For Russia and Austria were now opposed over the Greek question, the '*Cottage coterie*' had split up, and the alliance itself was in danger. Over a year later, on 18 December 1826, the king told Esterházy that he regretted the bad relations of Austria and Great Britain, but begged Metternich not to show coldness to Canning, for that would be to make a personal enemy of him.<sup>3</sup> This must have been wormwood to Metternich, whose dispatches teem with references to Canning's absence of morals and of scruple, and denounce his search for a 'vain popularity', his frippery, his absurdity, his disdain of facts, and his wickedness.

The result of this struggle was decisive for the position of Canning. The king had surrendered at discretion, and henceforth Wellington came second, and not first, in deciding foreign policy. The '*Cottage coterie*' realized at last that Canning was not to be overthrown. During 1826 the duke was forced from one position after another, to his intense mortification. This fact explains, more than anything else, the famous dispute which arose between him and Canning in 1827, when Liverpool's disablement made it necessary to choose a new prime minister. Wellington was not going to serve under Canning, though he probably did not then expect or want to be prime minister himself. But what was it that lent such bitterness to the struggle? Canning wrote to ask him if he would join in the government. Wellington asked who was to be the head of it, a decisive hint that he did not mean to join Canning. The latter replied that he 'believed it to be so generally understood' that the king

<sup>1</sup> Stapleton, *Correspondence*, i. 298. He means of course that he is now wholly in the king's confidence.

<sup>2</sup> Wiener Staats-Archiv, Weisungen nach London, Metternich to Apponyi, December 1825; cf. Martens, xi. 329, which speaks of Wellington's total disapproval of Canning's proceedings.

<sup>3</sup> Wiener Staats-Archiv, Berichte aus London, 1825, Esterházy to Metternich, 18 December.

entrusted the formation of the ministry to the person he had placed at the head of it, 'that it did not occur to me . . . yesterday . . . to add that, in the present instance, His Majesty does not intend to depart from the usual course'. Canning added that he had submitted this answer, 'together with your Grace's letter, to His Majesty'. What was there in this which was so offensive? Where is the 'rebuke' which the duke averred this answer contained? It is not to be found in the letter, but in an incident of two and a half years before. Both then remembered the 'traps and mines' of 1824. But whereas in his blunt letter of 5 October 1824 the duke had delivered a rebuke and concealed the fact that the king had inspired it, Canning openly sent him a letter that the king in 1827 had approved in terms which, as the duke averred, were 'covered with his majesty's sacred name and protection'. That was where the sting lay, that was how an old score was paid off. The king stood stoutly by Canning and told Esterházy he 'never would forgive' the duke. Wellington's temper at this time was furious. Some of his letters in this period have not been published by his editor and most probably for good reasons. One letter all admirers of Wellington would be glad for his editor not to have found. On hearing of Canning's death he wrote as a postscript to a letter, 'I hear that Dr. Farr says it was Canning's temper that killed him'.<sup>1</sup>

The real trouble at the bottom of the disputes between Wellington and Canning was the king. He was the 'coefficient of friction', and it was for mastery of him that the two contended. There can be no question that the king had no right to hold such conversations or have such communications as he is proved to have held with foreign diplomatists or potentates, nor should both the king and Wellington have received confidential information and dispatches from Metternich without showing them to Canning. That the king was acting unconstitutionally few will deny, and it is hard to assert that Wellington was in the right. The circumstances were in the latter case exceptional and very difficult both for the duke and for Canning. What was the regular foreign secretary to do when a man was so distinguished as to form a sort of separate foreign office in himself as the duke did? The results were serious. If there was any chance of Canning's preventing war by moral pressure on France in 1823 it was certainly ruined by the king's premature disclosure of the fact that we intended to be neutral and by the continental belief, encouraged by Westmorland and Harrowby, that both Welling-

<sup>1</sup> *Well. Desp.*, New Ser., iv. 16. Compare this verdict with that of another opponent: Metternich to Apponyi, 19 August 1827. Wiener Staats-Archiv, Weisungen nach Frankreich, Bd. 379, states, 'The death of Mr. Canning is an immense event . . . for the man was a whole revolution in himself'; and see Lord Grey to Princess Lieven, *Correspondence*, v. 52, 21 August 1827: 'There is something awful and striking in the premature extinction of great talents in the very moment of successful ambition.'

ton and the majority of the cabinet were of his opinion.<sup>1</sup> It seems certain also that, but for the belief that the majority of the cabinet were really legitimist, the continental powers would not have persisted in inviting England to a European congress in 1824, or in trying to delay the recognition of the South American colonies.

Wellington was entitled to differ from Canning, but his secret criticisms of his policy to the 'Cottage coterie' were probably unwise. His revelation to Esterházy of the confidential guarantee of Cuba to Spain in 1824 was, if not perfidious, at least extremely *gauche*. His attacks on Canning's character were not only unwise, they were unfair to all parties, for they made the 'Cottage coterie' think that the foreign secretary could be overthrown. The best defence of the duke is that he was not so legitimist as the king, that his general views on diplomacy were reasoned and sensible if not correct, and that he probably thought that he kept the coterie in check. But he was treading dangerous paths in 1824, and the king excelled him in indiscretion. It is in the duke's favour that, after his defeat in the cabinet, he sought to check the king. But the latter, encouraged by the 'Cottage coterie', went forward to a humiliating reverse. Wellington actually threatened him with a *coup d'état* if he did not give way. What did this mean, and was it an exaggeration? In one sense it was not.

'Now you shall know what I would have done,' wrote Canning to Granville, on 11 March 1825, 'if this intrigue had gone on, and if fortunately the intemperance or miscalculation of the king had not brought it to a premature dénouement and so been obliged to give in. I would have resigned upon the S.A. question, and I would have declared openly in the H[ouse] of C[ommons]—taking care to keep safe my sources of intelligence—that I was driven from office by the Holy Alliance, and further, that the system, which I found established of personal communications between the Sovereign and the Foreign Ministers, was one under which no English Minister could do his duty. If, after such a denunciation and the debates which would have followed it, the L[ievens] and Esterházy did not find London too hot for them, I know nothing of the present temper of the English nation.'<sup>2</sup>

The popular support which Lord Palmerston found in later days in his struggles against the court, in circumstances in which the latter had at least a technical advantage, does not suggest that either the duke or the king, and still less the 'Cottage coterie', would have been able to withstand the fiery eloquence of Canning.

H. W. V. TEMPERLEY.

<sup>1</sup> It has already been pointed out that the duke, in fact, advised them against going to Spain, though he told them to go quickly if they went at all. Villèle afterwards admitted that the duke had been right in advising them not to go. See Record Office, F.O., France, 146/61, Granville to Canning, 8 December 1824.

<sup>2</sup> Stapleton, *Correspondence*, i. 258.

## *Notes and Documents*

### *Caesar's First Expedition to Britain*

SEVERAL years ago, when writing the 'Introductory Remarks' to the *Admiralty Tide Tables*, which contain a brief historical account of the advance of tidal knowledge, I had occasion to refer to Julius Caesar's first expedition to Britain, and to the damage and loss of his ships due, as he states, to lack of knowledge of tidal laws. Though I was not then able to devote much time to the subject it appeared to me that investigators, when endeavouring to reach a solution of the question of Caesar's landing-place, relied too much on topographical features, which are generally supposed to have undergone great change, and too little on tides, tidal streams, and meteorological conditions, which the leading authorities consider to have remained unchanged. The laws governing the art of sailing and the capabilities of ancient vessels appeared also to have been misunderstood or neglected.

Lately, as a result of correspondence with Dr. J. K. Fotheringham, I have investigated the subject from a seaman's point of view; the conclusions reached are based partly on personal experience, partly on printed authorities, and partly on opinions obtained from experienced officers. The primary object of the investigation has been to decide whether Caesar sailed north or west from his anchorage off the coast of Britain, and it has, for this purpose, been assumed that he sailed from the Liane estuary during the night of 25-6 August 55 B.C. and landed during the late afternoon of the 26th; if, as appears probable, the date of landing was the 27th the conclusions reached will not be affected, but the arguments for them will be strengthened.

Before dealing with the course of events, it will be best to review in order the various technical conditions in accordance with which Caesar's narrative must be interpreted, taking first the meteorological.<sup>1</sup> The prevailing winds over the British Islands are westerly; the direction of the wind is changed by

<sup>1</sup> For the meteorological and tidal conditions see, besides the works mentioned below, the Admiralty Charts, *Sailing Directions* and *Tide Tables*, and *Transactions of the Meteorological Society*.

land and, in the Straits of Dover, the prevailing westerly winds become south-westerly.<sup>1</sup> From seven years' observations at Cape Grisnez, winds during the months of August and September, both of which months are here included because the expedition took place near the end of August, reckoning in quadrants only, are 45 per cent. south-westerly, 10 per cent. south-easterly, 28 per cent. north-easterly, 14 per cent. north-westerly, and 3 per cent. calm. Winds are given for Cape Grisnez, for this is the only meteorological station actually in the Straits; at the North Foreland and at Dungeness prevailing winds are, as would be expected, more nearly the normal westerly. It was, in the days of sailing ships, of primary importance that the terminal points of a short sea passage, which it was desired to maintain with some show of regularity, should lie from each other in a direction at right angles to the prevailing wind; this bearing was of much more importance than the distance apart, for any sailing vessel can cover ten miles with the wind on the beam in the time required to beat one mile to windward. In the Straits of Dover something like 75 per cent. of winds are either south-westerly or north-easterly; Dover and Folkestone are the only possible ports on the English side, and it was in order to obtain the necessary south-east bearing that Sangatte and Wissant were so frequently used as landing-places on the French side, not because of the short distances or because either place offered any convenience as a port. The most suitable landing-place for vessels from Boulogne would therefore be west of Dover.

Gales at any place in the northern hemisphere are of two principal types—the south-westerly, due to a depression passing to northward of the place, and the north-easterly, due to a depression passing to southward; a third type, which meteorologists call 'vortical', due to a depression passing over the place, need not be considered, for there appears to be no record of a vortical gale in the Straits of Dover. In the Straits of Dover, from thirty-five years' observations, in each year about ten gales occur of south-westerly type to one of north-easterly type, but in the months of August and September, during the whole thirty-five years, twenty-two gales of south-westerly type were experienced and only one of north-easterly type. In the absence of evidence to the contrary it may, then, not unsafely be assumed that a gale in the Straits of Dover in August or September is of normal south-westerly type. The terms south-westerly and north-easterly refer to type only. A gale of south-westerly type commences with a falling barometer and wind from some southerly direction, between south-east and south-west. As the barometer falls the force of the wind increases and its direction changes to

<sup>1</sup> See *Seaman's Handbook of Meteorology*, p. xxvii.

westward ; the force of the wind is usually greatest from about south-west, but it may blow with greatest strength from west or even north-west ; the direction of the wind may change suddenly from south-west to west, or even north of west ; when the direction of the wind gets well north of west the barometer usually begins to rise and the weather to improve. A north-easterly type gale commences with wind from some easterly direction ; the wind backs to northward and usually blows with greatest force from about north-east. In the twenty-two gales of south-westerly type recorded in the Straits of Dover during August and September, the wind reached its greatest force from south-east in one, from south-west in sixteen, and from north-west in five ; in the one north-easterly gale it reached its greatest force from north-east.

After the meteorological the tidal conditions must be discussed. The tides at Dover for the period 26–30 August 55 B.C. have been computed by Dr. Fotheringham from harmonic tidal constants of the years 1883, 1884, and 1910–11, and are as follows in Greenwich mean time :

	26 August.		27 August.		28 August.	
	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.
	hrs. min.	hrs. min.	hrs. min.	hrs. min.	hrs. min.	hrs. min.
High water	6 51	7 43	8 15	8 49	9 08	9 36
Low water	0 27	—	2 01	—	—	—

	29 August.		30 August.	
	a.m.	p.m.	a.m.	p.m.
	hrs. min.	hrs. min.	hrs. min.	hrs. min.
High water	9 49	10 14	10 24	10 48
Low water	—	—	—	—

The tidal predictions for Dover may be transferred to any place in the vicinity by means of tidal differences ; these differences, for both Boulogne and Ambleteuse, are : four days before full moon, high water  $-10$  minutes, low water  $\pm 0$  min. ; on the day of full moon, high water  $+10$  min., low water  $-10$  min. The times of slack water may also be computed from harmonic constants, but, unfortunately, none are available for the Straits of Dover ; the times may, however, be obtained, in the same manner as the Boulogne tides, by means of differences on Dover. The differences, for the middle moment of slack water in a position off Dover harbour, computed from nearly two years' continuous observations, are 1 hr. 53 min. before and 4 hrs. 13 min. after high water at Dover. The period of slack water is inappreciable at springs but is about one hour at neaps ; at springs, therefore, the north-east-going stream off Dover runs from 1 hr. 53 min. before till 4 hrs. 13 min. after high water and the south-west-going stream from 4 hrs. 13 min. after high water till 1 hr. 53 min. before the following high water, but at neaps the north-east-

going stream runs from 1 hr. 23 min. before high water till 3 hrs. 43 min. after high water and the south-west-going stream from 4 hrs. 43 min. after high water till 2 hrs. 23 min. before the following high water.

Much misconception appears to exist regarding the effects of meteorological conditions on the tides and streams; to put the case briefly, the height of the barometer and the direction and force of the wind affect the height of sea-level, not the range of the tide, and thus, as the streams are due to differences in heights of sea-level at places not far apart, the streams are also affected.<sup>1</sup> A low barometer increases the height of sea-level, and therefore of both high and low water; a high barometer has the opposite effect; in the English Channel south-westerly winds increase the height of sea-level, northerly and north-easterly winds decrease the height, but in the southern part of the North Sea south-westerly winds decrease, and northerly and north-easterly winds increase, the height of sea-level. The streams in the Straits of Dover depend to a great extent on the relative heights of sea-level in the southern part of the North Sea and English Channel; if the North Sea level is raised and the Channel level depressed by meteorological conditions the south-west-going stream in the Straits will be increased, both in duration and velocity, and the north-east-going stream decreased; if the North Sea level is depressed and the Channel level raised the effects will be reversed. Such effects must, however, not be exaggerated, and the increase in duration of one stream and decrease in the other does not, under ordinary circumstances, exceed one hour, half an hour at each end, or under the most extraordinary circumstances, during long-continued winter gales, two hours, one hour at each end. It can, therefore, not be assumed that, under ordinary conditions, the north-east-going stream will commence more than 2 hrs. 23 min. at springs and 1 hr. 53 min. at neaps before high water at Dover or that these intervals will be increased to as much as 2 hrs. 53 min. and 2 hrs. 23 min. respectively, except after a succession of south-westerly gales. It is very easy to obtain mistaken ideas as to the streams from a short series of observations, for it is not possible to observe exactly the time of slack water. The origin of mistaken ideas as to the effects of wind on tides is probably to be found in the inexactness of all tidal predictions published until only a few years ago, for all differences between observation and prediction are popularly ascribed to wind. In 1912 a so-called expert witness in an important admiralty case at the Law Courts stated that diurnal inequality in the height of the tide was due to wind.

The size of Caesar's transports, and their capabilities under

<sup>1</sup> See *Barometer Manual*, p. 58.

sail or oars in different weather conditions, have some bearing on the position of the landing-place. The vessels were small, for the troops landed from them on an open beach; about 8,000 infantry were carried in eighty transports, but on the return journey about three hundred men in two transports; transports carrying cavalry survived a gale. These being the data, the question to be solved is this: 'What is the smallest vessel, suitable for landing troops on an open beach, able to carry a hundred infantry with arms, armour, provisions, water, and military stores in general, in addition to crew and naval stores, or an equivalent weight of cavalry, in a gale in the Straits of Dover, or 150 infantry with arms, stores, &c., in fine weather?'

Mr. Cecil Torr considered 80,000 tons, or five tons per man, amply sufficient for an army of 16,000 men;<sup>1</sup> on the same basis Caesar would have carried more than 400 tons per transport, which is impossible. An estimate of 5 cwt. per man for the man himself, his arms, armour, baggage, provisions, water, &c., with an extra 5 tons per 100 men for general military stores, gives 30 tons per vessel as the weight of the military cargo; this would probably allow about 15 cavalry each for the cavalry transports. Each vessel would carry a crew of 20 to 25 men, with arms, baggage, provisions, water, &c., say 5 tons; also mast, yard, sail, standing and running rigging, oars, anchors, cables, and naval stores generally, say another 10 tons per vessel; making a total weight carried on the voyage to Britain about 45 tons per vessel. On the return journey, carrying 150 men, but with stores, &c., to the weight of say 1 cwt. per man expended or left behind, the total weight would be about 55 tons per vessel.

The transports would be of light draught and flat section so as to facilitate landing; they would be very wide, so as to give the necessary carrying capacity on a light draught without undue increase in length; they would be of comparatively high freeboard and would both overhang and rise at bow and stern, so as to have the necessary sea-going qualities; they would probably be partially decked, both for the sake of the extra safety and shelter thus afforded and because it is hardly possible to obtain longitudinal strength in an undecked vessel. A vessel of 60 ft. length on water-line, 70 ft. length over all, 20 ft. beam amidships, and 2 ft. draught displaces about 45 tons of water, this being the weight of the vessel herself. Loaded with 45 tons draught would be increased to about 3½ ft., or say 3 ft. forward and 4 ft. aft; loaded with 55 tons, about 4 ft. Freeboard amidships, loaded with 45 tons, about 4 ft., rising to 6 or 7 ft. at bow and stern; freeboard about ½ ft. less when loaded with 55 tons. Such a vessel appears to fulfil all the requirements. Each vessel would probably be sup-

<sup>1</sup> *Ancient Ships*, p. 30.

plied with one boat, which would be towed in fine weather at sea but taken inboard during heavy weather.<sup>1</sup>

The rig would probably be a single mast with single square sail, the mast being fitted for lowering when not in use. Topsails appear not to have been introduced till a later date,<sup>2</sup> but would, in any case, not be used, for the rig of a small vessel intended for carrying a large number of men must be as simple as possible. Though a second mast, well forward in the bows and apparently the ancestor of the 'sprit', was sometimes used in the Mediterranean, this would not be carried by the transports, for it would form a serious obstruction to landing over the bows. The single mast with square sail appears to have been the only rig used in northern waters for many hundreds of years; it was universal amongst the Vikings, was used by William the Conqueror, and is, in fact, still to be seen on the Norwegian fjords. Caesar's transports probably differed but little, either in build or rig, from those conventionally represented on the Bayeux tapestry. Oars would undoubtedly be supplied, but probably only a single bank worked over the gunwale. Oars would be useful for entering and leaving harbour and in calms, but almost essential for disembarkation on a beach. To coast, as Caesar coasted from his anchorage to his landing-place, and then to beach the vessels necessitates an eight-point turn, which is seldom possible under sail; further, to beach a vessel under sail is, if the wind is at all fresh, a difficult and dangerous operation and may easily cause the mast to carry away or the vessel to capsize. The position of troops attacked by an active enemy when struggling under a sail which has come down with a run through the mast carrying away, or thrown out of a capsized vessel, would not be enviable, and such a risk would not be run by either experienced seamen or soldiers. The speed of such vessels would not be great and would probably not exceed 5 knots<sup>3</sup> in smooth water with a fresh beam wind; under oars in a calm 2 knots, rising to 3 in a short spurt, would be all that could be obtained. Running before a gale a speed of 7 knots, or even more, might be reached.

Whether Caesar's vessels could or could not beat to windward or heave to has but little bearing on the question of the landing-place, but it has an indirect effect through the adventures of the cavalry transports on 30 August. Beating to windward as understood by the modern yachtsman was certainly not known till many centuries after Caesar's invasion of Britain, for it requires a fore-and-aft rig, flat sails, and deep draught; even a modern square-rigged vessel beats with difficulty. A fundamental law of sailing is, 'The pressure of the wind acts at right

<sup>1</sup> Torr, p. 90.

<sup>2</sup> *Ibid.* p. 103.

<sup>3</sup> One knot is a speed of one nautical mile per hour.

angles to the plane of the sail'; from this it follows that, as yards are braced up and sheets hauled aft, leeway increases. Ability to beat to windward thus depends on the angle between the plane of the sail and the fore-and-aft line of the vessel (which is greater with a square than with a fore-and-aft rig), on the flatness of the sail, which reduces the angle between its plane and the direction of the wind, and on the underwater shape of the vessel, which must be such as to resist lateral motion. Ancient vessels had square, baggy sails and were of light draught. A modern square-rigged vessel can lay up to within  $5\frac{1}{2}$  to 6 points of the wind; when loaded she makes about 1 point leeway close hauled, unloaded the same vessel would make about 2 points leeway; her course made good when loaded is thus only 1 to  $1\frac{1}{2}$  points to windward, unloaded practically nothing. No sailing vessel is able, or has ever been able, to beat to windward in a gale, for she must then either heave to or run.

Instances of vessels suffering delay from head winds, or total loss through inability to beat off a lee shore, are innumerable. Caesar's cavalry transport did not join him in the Liane estuary owing to head winds and were not able to reach his anchorage off Britain for the same reason; the second expedition, in 54 B.C., was weatherbound for three weeks; William the Conqueror was similarly delayed for about a month. The whole Spanish Armada narrowly escaped total loss through inability to beat off a lee shore and were only saved by a shift of the wind:

The duke [of Medina Sidonia] fired two guns to collect his Armada, and sent a pinnace with a pilot to order his ships to keep a close luff, seeing that they were very near to the banks of Zeeland. For the same reason the enemy remained aloof, understanding the Armada must be lost, for the pilots on board the flagship, men of experience on that coast, told the duke at the time that it would not be possible to save a single ship of the Armada, and that with the wind at north-west, as it was, every one must needs go on the banks of Zeeland, God alone being able to prevent it. The fleet being in this danger, with no way of escape, and in  $6\frac{1}{2}$  fathoms of water, God was pleased to change the wind to west-south-west, and with it the fleet stood to northward.<sup>1</sup>

There is but little doubt that both ancient vessels and the vessels of the middle ages could, as can the modern square-rigged vessel, by bracing sharp up and 'keeping a close luff', head within about 6 points of the wind, but it is extremely doubtful whether they could, under these conditions, make good as much as half a point to windward. It is, however, quite certain that such vessels could, by rounding in their yards and heading within about  $7\frac{1}{2}$  points of the wind, make good a course

<sup>1</sup> Captain C. F. Duro, *La Armada Invencible*.

8 points from the wind, for as yards are rounded in leeward decreases until, when the yards are square, it vanishes. Speed also increases as the yards are rounded in. A beam wind is known to seamen as a 'soldier's wind', because it is a fair wind both out and home, and sailing with a beam wind requires no knowledge of seamanship.

Heaving to in a gale is, practically speaking, impossible for a vessel fitted with one sail only, for in heaving to a certain balancing action is required. Vessels in the fifteenth and sixteenth centuries certainly did heave to under a mainsail only, but this was a very dangerous proceeding even though the high poop then fitted served the purpose of a second sail. Modern square-rigged vessels heave to under a close-reefed main topsail (or main lower topsail) and reefed foresail; they then head within 6 to 6½ points of the wind, but drift to leeward to such an extent that the course made good is from 12 to 14 points from the wind. A small, partially decked vessel, fitted with one sail only, hove to in this manner would probably fill and sink, but even if she could heave to with safety her course made good would be practically dead to leeward.

A small vessel caught in a gale in narrow waters would run for a port to leeward. Provided sail was set forward of the vessel's centre, and that the sail was a lifting sail, there would be very little danger of broaching to; a high and overhanging stern would save her from being pooped. If there were no port to leeward she could ride out the gale secured to a sea-anchor, or might endeavour to make for shelter to windward under oars.

The hauling up of vessels is also a point which affects the question; to haul up a vessel weighing 45 tons empty on a specially prepared slip and with the necessary appliances would be simple; to haul up the same vessel on an open beach would be a long and arduous operation, which would necessitate the removal of all possible weights and the construction of a slip, from timber cut locally, from some point at which she would float at high water to the place to which it was desired to haul her. The actual hauling would not take long, after emptying the vessel and preparing the slip, provided sufficient men were available, but it is doubtful whether capstans could be used, for they could hardly be fixed sufficiently firmly in sand or shingle without the use of concrete. Launching at high tide would, if the slope of the beach were sufficient and the slip had been left in position, be a simpler operation, for it would only be necessary to start the vessel by means of wedges and she would then slide down by her own weight. It would, however, probably be necessary to load the vessel after launching, for she would hardly be suffi-

ciently strong to carry the weight unless water-borne. Caesar's warships were probably so small and light that they, and the boats of the transports, could be hauled up and launched without much special preparation.

After this survey of the general conditions it is possible to pass on to the criticism of Caesar's narrative. His statements about time are probably sufficiently accurate for all practical purposes ; his distances at sea are probably also approximately correct when they depend on estimates made by a number of different people, on different voyages, under different weather-conditions, but when they depend on one, or at most on two, estimates, they must be quite unreliable. Caesar, for instance, when sailing with wind and stream, estimated the distance from his anchorage off Britain to his landing-places at 7 (Roman) miles ; if his speed through the water on this occasion was 3 knots and the stream was running one knot, the distance would be covered in well under  $1\frac{1}{2}$  hours ; had he been rowing at 2 knots against a 1-knot stream he would have taken four times as long. What would then be his estimate of distance ? It should be remarked that any vessel, whether large or small, deep or shallow, in a 1-knot stream drifts 1 mile per hour in the direction of the stream ; the distance made good in 1 hour is therefore four times as great when sailing at 3 knots with a 1-knot stream as it is when rowing at 2 knots against the same stream.

Caesar, not being able to obtain the necessary information from merchants and traders, sent Volusenus to reconnoitre ; Volusenus did not land, which shows that Britain was regarded as an enemy country. It is not probable that Caesar intended to land at Dover, for this would be difficult in the face of opposition, and it is most improbable that the port was of sufficient size to accommodate 100 transports. If Dover was a large and important port Caesar might have been expected to seize and hold it as a base after landing on his second expedition, but this he did not do.

For a general to undertake an expedition by sea, at night, against an enemy country, or even to put to sea in time of peace, without issuing instructions to his subordinates is unheard of ; there can be no question but that such orders were given and that they covered at the least embarkation, sailing, the courses to be steered, and a rendezvous off the enemy's coast ; some instructions for the following morning would almost certainly be included, for Caesar could not know beforehand that the weather would be such as to admit of the officers assembling on board his ship.

The eighteen transports at Ambleteuse did not join Caesar in the Liane estuary ; their failure to join is not satisfactorily accounted for by a head wind only, for they could easily have rowed, or even

drifted, 5 miles<sup>1</sup> with the south-going stream. The south-going stream in this neighbourhood runs from about 3½ hours after till 2½ hours before high water, or from about half ebb to about half flood; it may therefore be justifiably concluded that, during this time, the transports could not leave harbour. Ambleteuse is now but a small port with an entrance which dries entirely at low water, and it is quite improbable that the river Slack or its estuary were ever of sufficient size to maintain a low-water channel; the entrance now dries some 14 ft. at low water, and it will therefore be within the mark if it be assumed that transports could not enter or leave except between half flood and half ebb, or during the north-going stream. This assumption also accounts for the fact that the cavalry transports did not join Caesar when he sailed, for the cavalry were delayed and did not embark in time, and between about 9.30 p.m. on 25 August and 4 a.m. on the 26th the transports could not sail.

The coast from Dungeness to Walmer is easily described in general terms, but it is difficult to describe any particular features which could be identified by a stranger, with the exceptions of the dip in which Dover is situated, and the west end of the cliffs in Eastware Bay; the South Foreland itself is not easily picked up from a distance, except from north-eastward or south-westward; from south-eastward it appears to form part of a straight coast. Although I do not propose to make any suggestions, depending on conditions inland, as to the landing-place, it is necessary, in order to explain what Volusenus would report to Caesar, to examine the topography as it appears from seaward. West of the break in the cliffs, in which Dover is situated, steep cliffy coast extends for a distance of about six miles to the west corner of Eastware Bay, the cliffs then sloping down to Copt Point. The summit of the cliffs appears from seaward as the highest land visible, and from the west corner of Eastware Bay a ridge appears to run in a westerly direction, as a continuation of the cliffs, terminating in a slope, so steep as to be almost a cliff, in the neighbourhood of Beachborough Copse, a couple of miles inland. A line of low wooded hills runs in an easterly direction to the shore near Hythe; between this line of hills and the ridge terminating near Beachborough there appears to be a fertile valley running inland in a westerly direction and sloping gently upwards from the sea. Except in the vicinity of Folkestone no cliffs are visible west of Copt Point; the shore appears suitable for a landing, and there appears to be an easy route inland, up the valley, with cultivated land and woods in the vicinity. There are, it is true, low cliffs, hardly noticeable from seaward, in places, also occasional patches of rock on the beach, but this part of the

<sup>1</sup> Distances are, unless otherwise stated, given in nautical miles.

coast is subject to erosion and is now protected by groynes ; it is therefore at least possible that 2,000 years ago where there are now low cliffs there was merely a slope seaward to a beach some distance further out. Except by hearsay Volusenus could not obtain any information regarding Romney marsh, for the marsh would not be visible over the shingle from seaward ; but Caesar certainly did not land on the marsh, and it is therefore not unlikely that Volusenus knew of its existence. It may be supposed, then, that Volusenus reported to Caesar somewhat as follows :

' About north-west from the Liane estuary is a region of marsh fronted by a shingle beach and by shoals and banks, many of which cover at high water ; landing here would be easy in fine weather but, owing to the marsh, it would not be possible to penetrate inland. A range of low, wooded hills runs, in an easterly direction, behind the marsh, to the coast at its east end. East of these hills is a good beach, extending for about 4 miles, deep water close to the beach, and behind the beach a valley running inland in a westerly direction. This beach is suitable for landing ; there appears to be wood, water, and cultivated land in the vicinity, and the land can be penetrated by means of the valley ; the beach ends to eastward in a promontory behind which is a very small port. From this promontory a high cliffy coast extends for about 8 miles to east-north-eastward, broken in one place only, about 5 miles from the first port ; in this break, which is conspicuous and very easily picked up from seaward, is a second port, which appears to be of some importance. About 3 miles east of this second port the coast bends to northward and continues steep and cliffy for about another 4 miles, when another excellent beach begins. On the coast described there are but two points which could be easily identified by a stranger, the eastern port already referred to and the commencement of the cliffs just east of the western port.'

Caesar's pilots, considering the prevailing south-westerly and north-easterly winds, would wish to land as far to the westward as possible, for they would then expect a fair wind both going and returning. Caesar himself, however, would probably consider landing of more immediate importance than return, and would therefore wish to assemble his fleet about midway between the beaches, leaving decision as to the landing-place to be settled by the direction of the wind and stream at the moment.

We have now decided the general conditions under which the attempt was made, and the information which Caesar may be presumed to have had before making it. His narrative is so short and so easily accessible that the most convenient way of giving our interpretation of it will be to tell the story as though it were ascertained fact, not interrupting it to point out where Caesar's

account is supplemented and where it is simply reproduced. If this method gives an appearance of dogmatism, it also makes for brevity and clearness. I have not considered it necessary to disprove theories which involve such improbabilities, or impossibilities, as winds blowing simultaneously in opposite directions at Ambleteuse and Dover; the stream off Dover running to north-eastward at a time when it should be running to south-westward at nearly its maximum velocity; small vessels hove to in the Straits of Dover in a gale making good a course within about 10 points of the wind, and a fleet of small vessels anchored off shore in an unsheltered position, or insufficiently drawn up on the beach, surviving an onshore gale. Having decided to sail, Caesar would issue orders somewhat as follows on the afternoon of the 25 August, and send similar orders to Ambleteuse by boat:

'The troops will embark as darkness falls, vessels dropping down the estuary with the ebb and assembling near the entrance. The fleet will sail at midnight, or as soon after as all are ready, and, steering a north-north-westerly course, will concentrate on the coast of Britain off the eastern port, each vessel anchoring as near to my ship as circumstances allow on arrival. If the weather admits, commanding officers will then assemble on board my ship for further instructions. If the weather is unsuitable for this my actions in weighing, making and shortening sail, &c., are to be followed by all. The landing, if carried out, will be made under oars, with the fleet in line abreast heading towards the shore.'

The Ambleteuse transports did not join before sailing; the wind was therefore from some southerly direction. They did not join *en route*, for they could not leave till about 4 a.m., but they appear then to have left and to have put back before joining Caesar owing to head winds. It cannot be supposed that determined Roman soldiers would have given up an attempt of this nature had the wind been only a point or two foul, for they could then have got close to the rendezvous and trusted to a change of wind or the stream to enable them to join the general. The probability is, therefore, that the wind had changed after Caesar anchored and had become decidedly foul, or say between north-north-east and west-north-west. With the wind between these points Caesar could not sail from Dover to Deal, or even if he could make good a course within 6 points of a west-north-west wind he would not have called it a fair wind, but any wind from north-north-east to north-north-west would have been a fair wind from Dover to the westward. The balance of probabilities on account of wind is thus very heavily in favour of a western landing-place.

As the day drew on, and the cavalry did not, and could not, arrive, it became necessary for Caesar to consider the time-factor. High water would be at 7.43 p.m.; it would be essential to land on a rising tide, for only thus could retreat be assured in the event of opposition being too strong; sunset would be at about 7 p.m., by 9 p.m. it would be quite dark. The troops would need at least the two hours of partial light, in the event of a successful landing, for pursuit, throwing up entrenchments, making camp, &c., and must therefore be ashore by 7 p.m. at latest. To get the fleet under way, make sail, sail an almost unknown distance (afterwards estimated at 7 Roman miles), furl sails, take to oars and form up for landing, would occupy three hours or more; time would also be required for the landing itself; therefore, by about 3 p.m. it would be necessary to decide either to land without cavalry, to remain at anchor for the night in the hope that the cavalry would arrive in time for a landing the next morning, or to return to the Liane.

Caesar decided to land without cavalry; the weather was obviously fine, or it would not have been possible for the fleet to remain in an exposed anchorage from about 9.30 a.m. till about 3.30 p.m. and for the officers to board Caesar's ship; the streams were therefore normal, and the south-west-going stream, which, allowing for a 40-minute period of slack water, had commenced at 11.24 a.m., would continue to run till 5.30 p.m., the north-east-going stream not commencing till 6.10 p.m.; and, therefore, at about 3.30 p.m. the order was given to weigh and the fleet stood to westward with a fair wind and the stream behind them.

The balance of probabilities on account of wind has been shown to be strongly in favour of a western landing; the evidence of the streams is final, for, even making the almost impossible assumptions that the north-east-going stream began at 5 p.m., or more than a whole hour before its proper time, and that Caesar mistook the time by  $1\frac{1}{2}$  hours, he could not have completed operations before dark.

On 30 August, the fourth day from the landing, the cavalry transports left Ambleteuse; high water at Ambleteuse was at about 10.34 a.m.; they could therefore sail any time between about 8 a.m. and 2 p.m., and would probably sail at about high water. It is not likely that they sailed the previous night, though sailing would have been possible between about 8 p.m. and 2 a.m., for they would then have been sighted from the camp at daylight on the 30th, and to allow a whole day for the events described by Caesar appears excessive.

The cavalry transports sailed as a gale was approaching; this must almost certainly have been a gale of south-westerly

type, for, as we have seen, north-easterly gales are all but unknown during August and September. A gale of the normal south-westerly type does indeed satisfy all that Caesar tells us about the adventures of the transports. They had on sailing a falling barometer and wind from some southerly direction. During the voyage the wind, which was probably light and well abaft the port beam at starting, increased in force and drew round to south-west; when they were in sight from the camp, but still some miles from it, the wind changed suddenly to west, or even north of west, and blew with the force of a gale. From consideration of time and distance this event may be roughly placed four or five miles from the camp and at about 5 p.m. Assuming, for the sake only of clearness, that 5 p.m. was the time, the story may be continued thus. The rear vessels turned and ran back to Ambleteuse, reaching that place shortly after half flood, or say about 9 p.m.; the leading vessels, or perhaps those commanded by the more energetic officers, furled their sails and endeavoured to make the camp under oars, but were swept by the strong west-going stream, running from about 2.45 p.m. till about 9.45 p.m., to the region of drying banks off the central part of the marsh. Here they anchored and received some shelter from the sea, until the tide, which had begun to rise at about 5.30 p.m., covered the banks; they were then exposed to the full force of the sea sweeping up Channel, even though the wind was off shore, and were compelled, as darkness fell, to weigh, make sail, and run for the Continent, reaching Ambleteuse, or perhaps the Liane, at about 1 a.m. on the 31st.

On 30 August the infantry transports were anchored off the camp, the light vessels, warships, and boats drawn up on the beach. The expedition had not met with much success and the possibility of a forced retreat must have been in Caesar's mind; the transports would therefore be anchored as close in as the depth of water allowed, the light vessels, &c., drawn up only just above high-water mark and kept ready for launching at a moment's notice, for ferrying the troops to the transports. Though Caesar attributes the disaster of the night to his lack of knowledge of tidal laws, the pilots must have known that spring tides exceeded neap tides in height; the heights of successive high waters had increased from the day of landing, and, further, high-water mark of spring tides is always visible on a beach; the light vessels were therefore probably drawn up just above the highest visible high-water mark.

The day high water of 30 August, which occurred about 10.25 a.m. before the beginning of the gale, had not reached the drawn-up vessels; during the afternoon and evening the barometer fell rapidly, and this fall, aided by the strong south-

west to west wind, raised the height of sea-level so that the night high water, which should have risen only about  $\frac{1}{4}$  ft. higher than that of the day, rose  $1\frac{1}{2}$  or perhaps even 2 ft. higher. Though the wind, by this time well north of west, was off shore at the camp, a heavy sea was running up Channel, and at about high water the sea breaking on the beach reached the drawn-up vessels, caused them to bump heavily, and commenced to fill them. Under these circumstances the seamen and guards took the only course open to them and began to launch the vessels, sending to the camp for assistance at the same time. Before the soldiers arrived all the vessels had been launched, though several had received serious injury from their heavy bumping on the beach ; but unfortunately, in the hurry and confusion, the seamen had neglected to re-secure the cables, which had been used for hauling up the vessels, to the anchors. Before this could be done the vessels which had just been launched were blown off shore and fouled the anchored transports, much additional damage was thus caused both to the light vessels and the transports themselves, the soldiers ashore were unable to assist ; several vessels received such serious damage that they sank, others dragged their anchors into deep water and were blown out to sea and never heard of again, yet others were barely kept afloat till they could be beached for repair after the gale had blown itself out.

Events on 30 August thus confirm the conclusion already reached as to the landing-place, for these events can only have occurred as described during a south-westerly gale and with the camp west of Dover ; during a north-easterly gale they could not have occurred at all whatever the situation of the camp. Apart, in fact, from the single circumstance of Caesar's estimate of the distance from the anchorage to the landing-place, the narrative itself, the known and probable conditions of wind, stream, and tide, and the probable capabilities and limitations of Caesar's vessels, all point to a western landing.

If 27 August be accepted as the date of the landing, and this would appear to be the correct date, the case for a western landing becomes even stronger, for on that day the north-east-going stream off Dover should not have begun till about 6.50 p.m.

H. D. WARBURG.

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### *'Domesday' and 'Doomsday'*

I HAVE no wish to criticize Mr. Stewart Brown's paper <sup>1</sup> on 'The "Domesday" Roll of Chester', for which I have not the necessary qualifications or knowledge. But, as a student of

<sup>1</sup> *Ante*, xxxvii. 481.

Domesday Book, I have read with much surprise his explanation of its name (p. 493). His words are :

Ormerod's explanation of the title of this ['Domesday'] roll is that it was so termed by analogy with the great Survey of 1086, because it supplied equally decisive and irrefragable evidence upon the matters and transactions to which it bore witness. This explanation is in agreement with the definition in the *New English Dictionary* of the title of Domesday Book proper as 'a book by which all men would be judged', 'a popular appellation given to it as a final and conclusive authority on all matters on which it had to be referred to', the name being subsequently transferred to other like documents of standard authority.

Being confined to my room by illness, I have not access, at present, to the *New English Dictionary* ; but the relevant extract has been supplied to me and runs thus : 'The name appears to have been derived directly from *Domesday* the Day of the Last Judgement, and *Domesday Book* the Book by which all men would be judged. It originated as a popular appellation (see *Dial. de Scacc.*), given to the Book as being a final and conclusive authority on all matters on which it had to be referred to.' This explanation is thus derived from the well-known passage in the *Dialogus de Scaccario*, to which the author of the paper, apparently, does not refer. To continue the quotation from Mr. Stewart Brown :

All this, however, rather begs the question why the returns to the great Inquest were called Domesday Book, and we do not doubt that the origin of the title of both the records is the same. A 'doomsday' was a day on which, at the public meetings of a county, 'dooms' (judgements and verdicts) were given. The replies given by the jurors to the inquiries made in 1086 were 'dooms', returned at these 'doomsdays' all over England. Hence, we think, the title of Domesday Book, and also that of the 'Domesday' Roll of Chester.

We are not told—and I do not know—the authority for these statements ; but, although I have long made a study of the jurors' returns to the great Inquest of 1086, I have never found them described as 'dooms' or as returned at 'doomsdays'. Moreover, the above explanation is at absolute variance with that which is given in our earliest and best authority on the subject, the *Dialogus de Scaccario*.

It seems, however, to have been anticipated, even so far back as 1857.<sup>1</sup> For Archdeacon Hale, in his learned 'Introduction' to *The Domesday of St. Paul's*,<sup>2</sup> wrote of 'all the Domesday books' as follows :

At Castle Combe, the court-rolls were the records of proceedings on the days therein termed *law-days*—on those days in which not only rents were received, but legal rights and duties ascertained. And if, as is

<sup>1</sup> The date on the title-page is 1858.

<sup>2</sup> Ed. Camden Society, pp. x-xi.

probable, the Exchequer Domesday, being the rental of all the manors in the kingdom in an abridged form, was compiled from inquisitions held on the Domes-days of the different Manors, or on the Law-days of the Hundreds, called *Lagehundred* (at p. 86), such a fact would illustrate the meaning of the term Domesday, when applied alike to the *Liber Censualis* of the Crown and to the ancient Court roll of a capitular Manor, as being records framed upon the oaths of jurors in a Domes-day or Law-day inquisition.

The reference, in this passage, to 'p. 86' is to the return from jurors for Chingford, Essex, which records that the manor was free from suit to the hundred (court) of Waltham, in consideration of a fixed money payment from the dean and chapter of St. Paul's to the abbot of Waltham, and the attendance of the bailiff of the manor and two men of the vill 'ad duo lagehundred'. This settlement, adds the return, was made by a final concord in the court of King Henry III.<sup>1</sup> The final concord to which it referred has now been printed in *Essex Fines* (i. 56-7), and proves to be of exceptional length and of very great importance. In the summer of 1220 Richard, abbot of Waltham, impleaded Robert the dean and the chapter of St. Paul's, before Robert, earl of Oxford and others, concerning the suits and customary dues from the men of Chingford to the abbot's 'half hundred of Wautham at three law-hundreds (*lagehundr*') yearly', &c. The dispute was settled by this fine, which made provision that the defendants' tenants at Chingford should be liable to certain suits and customary dues to the said 'half Hundred' [court], namely that they 'shall come twice a year to plaintiffs' half Hundred court (*legale hundred*) without summons', &c. Defendants also undertook to pay yearly half a marc of silver, payable at 'Wautham', by the hand of the chamberlain of St. Paul's in half-yearly instalments. The bishop of London was present and consented to this settlement.

In spite, however, of this agreement between the view of Mr. Stewart Brown and that of the late Archdeacon Hale, as to the origin of the name 'Domesday', one must insist that they are both absolutely irreconcilable with the quite definite statement of the best and what is believed to be the oldest authority on the subject, namely the Exchequer Dialogue. In three passages therein<sup>2</sup> we are told that 'liber iudiciarius' was the official title of Domesday Book, but that it was known to the natives (*ab*

<sup>1</sup> 'Concordia facta fuit inter ipsos in curia domini Henrici tercii regis Angl' . . . quam dimidiam marcam reddunt abbati ad pascha et ad festum Sancti Michaelis, et preterea, pereandem concordiam, veniet Ballivus manerii cum duobus hominibus ville ad duo *lagehundred*' sicut continetur in cyrographo facto in curia domini regis de placito secte hundredi quod fuit inter predictos abbatem et decanum et capitulum' (pp. x-xi).

<sup>2</sup> Clarendon Press edition (1902), pp. 106, 107, 108.

*indigenis*)—as a modern Anglo-Indian would say—by the name of *Domesdei*, that is to say, metaphorically, the day of doom (*dies iudicii*).<sup>1</sup> If it should be urged that the spelling of the word is opposed to this derivation, one need only turn to the author's similar explanation of the word *foresta* as *tuta ferarum mansio*, *e* being changed to *o*,<sup>2</sup> or to his derivation of the word *thesaurus* from *auri thesis*.<sup>3</sup> These, of course, are mere fantasies; but the form *Domesdei* stands on a different footing. For the form and its explanation are given as those recognized at the time.

The author's knowledge of the 'vulgar' tongue seems to have been imperfect; but, as to the form 'Domes-', there is, I would suggest, evidence that 'the Doom' was then a conception familiar to the native mind. In Sussex, for instance, there have been discovered many mural paintings in churches in which 'the Doom' is a favourite subject. At Patcham, a few miles from Brighton, 'a fine Doom over the chancel arch, of the early thirteenth century, is engraved in colour and described in *Arch. Journ.* xxxviii. 81'.<sup>4</sup>

J. H. ROUND.

### *Unnoticed Manuscripts of Gundissalinus De Divisione Philosophiae*

THE two following manuscripts in the Sloane collection of the British Museum of the 'De Divisione Philosophiae' by the archdeacon Gundissalinus are not used or noted in Dr. Ludwig Baur's edition (*Beiträge zur Geschichte der Philosophie des Mittelalters*, Band IV, Hefte 2 u. 3, Münster, 1903); nor does Scott's *Index Catalogue of the Sloane Manuscripts* mention Gundissalinus as their author. Gundissalinus was a twelfth-century translator under the patronage of Archbishop Raymond of Toledo (1126–50),

<sup>1</sup> 'Hic liber ab indigenis "Domesdei" nuncupatur, id est dies iudicii per metaphoram. Sicut enim districti et terribilis examinis illius novissimi sententia tergiversationis arte valet eludi, sic cum orta fuerit in regno contentio de hiis rebus que illic annotantur, cum ventum fuerit ad librum, sententia eius infatuari non potest vel impune declinari' (I. xvi B).

<sup>2</sup> 'Unde foresta dicitur, e mutata in o, quasi feresta [sic], hoc est ferarum statio' (I. xii. 105).

<sup>3</sup> 'Unde thesaurus auri thesis, id est positio, nominatur' (I. xiv. 107).

<sup>4</sup> See *Sussex Arch. Coll.* xliii. 240, where a photograph of it is given in the first report of a committee of the Sussex Arch. Soc. on the subject (*ibid.* pp. 220–51). At the notable little church of Ford, rich in early mural paintings, there were discovered, in 1899, 'the remains of a Doom or last Judgement on the wall over the chancel arch' (*ibid.* pp. 149–51), of which a coloured illustration is given. At Rotherfield there was discovered, in 1893, 'over and at the sides of the chancel arch, a very large picture of the Doom' (*ibid.* xl. 218). This position, which gave great prominence to the Doom, was occupied after the Reformation by the Royal Arms.

and the 'De Divisione Philosophiae' is largely indebted to the Arab—or strictly speaking, Turkoman—Al-Farabi.

Sloane 2946, thirteenth century, fos. 209–16, 'de philosophia . . . auctore Isaaco philosopho'. But the Incipit, 'Felix prior aetas qui (quae) tot sapientes . . .', is that of Gundissalinus's treatise. The erroneous ascription to Isaac is probably due to the fact that the treatise just preceding (at fos. 205–8<sup>v</sup>) is a medical work by Isaac. This manuscript is mutilated towards the close, so that the leaves containing our text have their upper right-hand corners torn off, thus removing a considerable fraction of the text. The colophon reads: 'Explicit hoc opus a domino Gundissalino apud Tholetum editum, sdens (succedens?) de assignanda causa ex qua orde sunt scientie philosophie et orde eorum et disciplina.' Similarly in Baur's text the 'De Divisione Philosophiae' at pp. 1–142 is followed at pp. 142–4 by Alfarabi's 'Epistola de assignanda causa ex qua orde sunt scientie philosophie et orde earum in disciplina'.

Sloane 2461, late thirteenth century, fos. 1–38<sup>r</sup>, contains the 'De Divisione Philosophiae' under the caption, 'Compendium Scientiarum', without indication of the author. It is immediately followed at fos. 38<sup>v</sup>–40<sup>r</sup> by 'De Unitate', which Baur found in another manuscript at the close of the 'De Divisione Philosophiae' and in a third manuscript before the aforesaid 'Epistola' of Alfarabi.

There appears to be a third manuscript of the 'De Divisione Philosophiae' unnoticed by Baur at Oxford: Bodleian 2596 (Bodl. 679, fos. 1–19), 'Liber Gundessalvi de divisione philosophie'.

A manuscript now lost is MS. 1175 of the library of St. Augustine's Abbey, Canterbury, 'Gundisalvus de ortu et divisione scientiarum'.

Cotton Vespasian B. x, fos. 24–7 'Alpharabius de divisione omnium scientiarum', turns out upon examination *not* to be the treatise of Gundissalinus.

LYNN THORNDIKE.

### *'Visus de Bortreming'*

THE 'Album Registrum Vestiarii' or 'Registrum Pyncebek' of the abbey of Bury St. Edmunds, preserved in the Cambridge University Library,<sup>1</sup> is a fourteenth-century collection of transcripts<sup>2</sup> of documents connected with the privileges and lands of the abbey. In it is to be found a series of articles in French, which, though similar in character, differ both from any set of

<sup>1</sup> MS. Ee. 3. 60.

<sup>2</sup> The collection was begun after 1333, and the latest dated document is of about 1335.

the leet printed by Professor Hearnshaw in his *History of Leet Jurisdiction*, from the articles of frankpledge in Maitland's *Court Baron*, and from the articles of the tourn and of the view of frankpledge given in the *Statutes of the Realm*.<sup>1</sup> A close transcript is to be found in the 'Liber Consuetudinarium', another Bury register of a later date preserved at the British Museum.<sup>2</sup> With a few exceptions, noted below, this version varies only in spelling.<sup>3</sup>

The articles are interesting not only for their content but for their heading: 'Ices sont les Chapitres de la Corune Le Jour de Bortreminge'. The forms 'bortreming' and 'borchtruning' have been noted by Miss Neilson<sup>4</sup> and Sir Paul Vinogradoff,<sup>5</sup> but without any explanation of the derivation of the word.<sup>6</sup> It occurs in three distinct contexts, but always in Suffolk. In the records of the inquests of 1274-5 it is frequently used in the original return for Blything hundred and also in the Extract Hundred Roll for Hoxne and Lose hundreds. For instance: '[Comes Marescallus] tenet ibi [in Pesenhal] bortrem' quod ballivus domini regis solet tenere, et subtrahit a domino rege.'<sup>7</sup> 'Episcopus Norwicensis . . . tenet Bortreming et capit de capitale plegio ij marcas ne occasionetur et aliquando plus.'<sup>8</sup> 'Bortreming' de Ketilbyr' solet et debet teneri per ballivos de Ho et subtracta fuit tempore Petri de Sabaudia et adhuc subtrahitur.'<sup>9</sup> Comparison with other Suffolk entries makes it clear that *bortreming*, as Miss Neilson says, is another word for frankpledge. Again, the word occurs in the registers of St. Edmund's, not only in the heading already quoted, but in the important thirteenth-century survey of the abbey's manors which fills fos. 234-319 d of the 'Registrum Pyncebek'. Under Stuston<sup>10</sup> we read: 'Et sciendum quod omnes predicti tenentes tam de Aclee quam de Stuston<sup>11</sup> sunt in uno Bortrem' quod est in manu domini regis et tenetur per eius ballivum qui capit per annum de certo xxij d.'

In the 'Liber Consuetudinarium', among the incomings from different manors, is noted under Neuton 'Item de bortremio, xij d'.<sup>12</sup> Lastly we find the form *borchtruning*, as Sir Paul

<sup>1</sup> *Statutes of the Realm*, i. 57, 246.

<sup>2</sup> MS. Harl. 3977.

<sup>3</sup> The Harleian manuscript gives *u* throughout for the *ou* of the Cambridge manuscript, and generally *i* for *y*.

<sup>4</sup> *Oxford Studies in Social and Legal History*, ii. 171-2, 107.

<sup>5</sup> *Villeinage in England*, p. 363.

<sup>6</sup> Professor Liebermann's emendation and explanation (*Gesetze der Angelsachsen II, Rechts- und Sach-Glossar*, p. 747, 25 b) may well have escaped the notice of English students.

<sup>7</sup> *Rot. Hund.* ii. 147 a (Blything).

<sup>8</sup> *Ibid.* ii. 186 a (Hoxne).

<sup>9</sup> *Ibid.* ii. 188 a (Lose).

<sup>10</sup> fo. 240.

<sup>11</sup> Oakley and Stuston are in Hartismere hundred.

<sup>12</sup> Harl. MS. 3977, fo. 61 d. The entry is duplicated on fo. 38, where the word is corrupted to 'Dortron'ng'.

Vinogradoff noted, in a manuscript from Christchurch, Canterbury, under the heading 'Estimacio manerie de Illegh': 'Item visus de borchtruning valet per annum iiij s.'<sup>1</sup> Illeigh Monachorum<sup>2</sup> was one of the Suffolk manors of the Canterbury monks, and it may be that this variant of the word is due to the misreading or mishearing by a Kentish scribe of a form that appears to be peculiar to Suffolk.<sup>3</sup>

As to the derivation of the word, Dr. Henry Bradley kindly informs me that 'trymning' or 'tremming' means 'confirmation', and is a verbal noun of which Bosworth-Toller gives many illustrations. Of the use of the verb the passage from the laws, 'Trymme he eal mid wedde þæt þæt he behate',<sup>4</sup> gives an example somewhat analogous to the compound 'borh-tremming'. The confirmation or renewal of pledge<sup>5</sup> would be an appropriate name for the ceremonial of making up the tithings at a view of frankpledge, and would be the English equivalent of the Latin *renovatio plegiorum* which occurs in other Suffolk Hundred Rolls.<sup>6</sup>

The abbey of St. Edmunds, which exercised almost royal rights in the saint's seven and a half Suffolk hundreds,<sup>7</sup> would naturally have in its archives a copy of those articles which were normally administered by the royal officials at the courts of less privileged tenants. The following passage from the Extract Hundred Roll, under Hoxne hundred, makes clear the relations of royal and seignorial officials in such a case, and at the same time illustrates the allusion in the last of the articles to private presentments:

Comes Norfolcie tenet Bortreming apud Kelishale et Sasted sine ballivis regis et sunt dicte ville de corpore hundredi. Nesciunt quo warranto illas subtraxit . . . Ballivi regis solebant capere quolibet anno de eisdem villis ad Bortreming viij d et habere presentationes secretas et facere inde attachiamenta et ballivi dicti comitis non permittunt ballivos regis illos denarios modo capere nec dictas villas ingredi ad officia sua exercenda.<sup>8</sup>

HELEN M. CAM.

Cambridge University Library, MS. Ee. 3. 60, fo. 152 b.

*Ices sont les Chapitres de la Corune Le Jour de Bortreminge.*

¶ De murdre ou altre manere de felonye.

¶ Des gentz outlagez & puys reuenuz.

<sup>1</sup> Add. MS. 6159, fo. 54. The entry is duplicated on fo. 190 d. It occurs in a list of 'Redditus Assise' from the manors of the house, which fills fos. 26-55 d and fos. 160-192.

<sup>2</sup> In Babergh hundred.

<sup>3</sup> 'Borch-triming', as Professor Liebermann emends, is no doubt correct, but the *u* is unequivocal in both passages of the manuscript.

<sup>4</sup> Liebermann, *Gesetze der Angelsachsen*, i. 442.

<sup>5</sup> *Zehnerschaftsfestigung* (Liebermann).

<sup>6</sup> *Rot. Hund.* ii. 180 a (Waynesford), 194 a (Hertesmere).

<sup>7</sup> *Ante*, xxiv. 417 et seq.

<sup>8</sup> *Rot. Hund.* ii. 186 a (Hoxne).

- ¶ De lour recettours.  
 ¶ De larrouns en pays e lur recettours.  
 ¶ De Huteys leue atort.  
 ¶ De Huteys leue a dreit, si il est siwi a dreit.  
 ¶ De rechat <sup>1</sup> de larcyne.  
 ¶ De femme puriue contre <sup>2</sup> sa volunte.  
 ¶ De Larcyn deliueure ou recette.  
 ¶ De purpresture fet sur le Rey, u sur seignour, u vile, u vesin sur altre,  
 u ke ele seit fet en tere u en ewe u plauntiz fet en la commune u mur  
 u fosse.  
 ¶ Del Ewe tournee u estope hors de sun dreyt Curs.  
 ¶ De Hundes esraces.  
 ¶ De Diuise freynte u escurtee.  
 ¶ De Chymyn estresse u estope.  
 ¶ De Chemyn atort leue u auncien chemyn use estope.<sup>3</sup>  
 ¶ De faude atort leue.  
 ¶ De Forestal.  
 ¶ De rescusse.  
 ¶ De ve de Naam.  
 ¶ De Fuytifs.  
 ¶ De Chateus a fuytifs,<sup>4</sup> ki les ad sanz garaunt.  
 ¶ De saunc tret.  
 ¶ De Cristiene gablour.  
 ¶ De fauseur u retundur de moneye.  
 ¶ De maufesour de boys u de viuers u de Warrenne.  
 ¶ De Tanour hors de vyle de Bourg u de blaunchisours de quiris.  
 ¶ De besturiis<sup>5</sup> de veuz dras.  
 ¶ De ceus qui achatent avers iiij pes <sup>6</sup> sanz fastuers.<sup>7</sup>  
 ¶ De ceus qui tenent Estray sanz garant.  
 ¶ De Pundbreche.  
 ¶ De ceus qi recettent gentz estraunges e ne les pount aver auant adreiture.  
 ¶ De Genz leys qui enpleydent autres en la Critiene curt de chatel, si il  
 ne seit de Testament u de Matrimonie.  
 ¶ De Tresor u armure u altre Troueure troue.  
 ¶ Del Assise de Payn, de Cerueyse, De Galoun, De Coumb, De Bussel,  
 De Peys, De Aune, E des autres mesures, si eles seient a dreit garde  
 u noun.  
 ¶ De ceus qui ne sount pas <sup>8</sup> en le assise le Roy horspris chiuale u soen  
 heyr s <sup>9</sup> clerk. E si il sount venuz cum fere deyuent.  
 ¶ De <sup>10</sup> rente u Brefs u Custumes u oueraignes seynt retenues u concelleez,  
 e par queus e cumbien de tens.<sup>11</sup> E si iliad priuete <sup>12</sup> a dire diez le  
 vous priuement.

<sup>1</sup> Harl. MS. 3977, fo. 16, rechaunt.

<sup>2</sup> *Ibid.*, prive encuntre.

<sup>3</sup> *Ibid.*, a feluns fuytifs.

<sup>4</sup> *Ibid.*, avers a iiij pes.

<sup>5</sup> *Ibid.*, ky sount pas.

<sup>6</sup> *Ibid.*, use ou estope.

<sup>7</sup> *Ibid.*, Besturnurs.

<sup>8</sup> *Ibid.*, fasteners.

<sup>9</sup> *Ibid.*, e.

<sup>10</sup> *Ibid.*, Si.

<sup>11</sup> *Ibid.*, conceleez par quels e par cum ben de tens.

<sup>12</sup> *Ibid.*, ci il li ad nul priuete.

*A French Bible in England about the year 1322*

THE circulation of the French Bible in England before the introduction of the English version is a matter which has received comparatively little attention from most writers on the Lollard movement or the history of the Bible. The fullest treatment of the subject seems to be in the recent work of Miss Deanesly,<sup>1</sup> who quotes evidence from Yorkshire wills and elsewhere as to the possession of French Bibles by individuals. Most of these instances are in the latter part of the fourteenth century, but a French Psalter appears in a will dated 1319.

A petition in the Public Record Office of which a transcript is printed below may throw further light on the subject. The petitioner, Hamond de Hessay, a clerk of York, prays for the return of a French Bible, his only source of livelihood. It had been lent to Thomas earl of Lancaster at York, and confiscated after his death by the king's officers, in spite of a solemn adjuration by the earl at his execution, to the king to return it to the owner. The endorsement gives directions for its delivery, if found, subject to proof of ownership: but there is apparently nothing in any of the Chancery Enrolments, nor in the files of Miscellaneous Inquisitions, to show if the petition was successful. The document is undated, but clearly belongs to the year 1322 or soon after. From internal evidence it is likely to have been written not long after the death of Thomas earl of Lancaster, and a transcript of it appears among those made under the direction of Sir Francis Palgrave in a volume whose contents are attributed to the fifteenth year of Edward II.

The petitioner's statement that he had nothing else to live on but the book may imply that he regarded it as a source of livelihood, and possibly travelled about with the book, reading extracts or preaching from it, and exhibiting it to the more inquisitive members of the educated classes. Probably, however, it merely means that the book was his only personal possession. Miss Deanesly, to whom I am much indebted for advice in this matter, is of opinion that he was probably trying to sell it, and that such a book would be worth four or five years of a parish priest's income. The petitioner shows no fear that his request would be regarded as heretical, nor does the endorsement suggest that the authorities took this view: but in the absence of other evidence it is doubtful if the book was actually returned to its owner, in which case its detention would presumably be due to the influence of the more orthodox party. From the obscurantist point of view a French Bible would have been as dangerous as an English one,

<sup>1</sup> *The Lollard Bible*, ch. viii.

had any English version then existed; for the only extensive public able to read a vernacular Bible would have been one whose normal language was still French. There is no evidence to connect the earl of Lancaster with any movement for the spread of the Scriptures in the vernacular or to attribute to him any motive other than natural curiosity: indeed, the whole document forms too slight a foundation in itself for any extensive theory; but if other references to the use of the French Bible at the same date could be found it might be a valuable piece of evidence.

R. L. ATKINSON.

#### ANCIENT PETITIONS, No. 5794

A nostre sengur le Roy et a son counsayle mustre Hamund de Hessay de Everwyk clerk qil presta a Everwyk a mon sir Thomas jadis Count de Lancastre une bible de Fraunceys le quel Thomas eynz son moriaunt charga frer Thomas de Hothum son confesseur en presence Bernard Pylegrym Domyng Johan Bernard Brue et autres plusures de genz nostre sengur le Roy qil priat a nostre sengur le Roy pur deu et pur lalme son Peer qil vouisit comaunder la deliveraunce du dit liver eynsuit qe salme ne fust dampnez, le quel liver il dit sera trove en sa tressorye entre ses autres livers en la garde sir Johan de Kynardesley. Et le dit Clerk nad plus de benes et chateux dount viver si de ceo liver noun dount il prie grace et remedye pur lamur de deu.

*Endorsed*: Si le livre seït en meins des Ministres le Roi et Hamond puisse renablement prover qe ceo le soen eit bref qe ceo li seït deliveres.

Coram Rege, Herlaston.

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#### *Richard II and the Death of the Duke of Gloucester*

IN his paper on this subject published in 1902 in the *Owens College Historical Studies*, Professor Tait gave the results of an investigation, which centred in the story told by William Rickhill, a Kentish justice of the peace, sent by Richard II to receive the duke's confession. The principal points of this story are as follows: Rickhill received a writ at Essingham in Kent (*rectius* Eslingham, now Islingham, in Frindsbury<sup>1</sup>), dated 17 August, 21 Richard II, directing him to proceed to Calais. On arriving there he found a second writ awaiting him, of the same date as the first, directing him to receive a confession from the duke of Gloucester, in prison there. He was surprised at this, because it had been generally reported in England before his departure that the duke was dead. He received the confession, dated 8 September, delivered it into chancery, where it was enrolled, and received in exchange an exemplification under the Great

<sup>1</sup> See *Cal. of Close Rolls*, 1381-5, p. 111, and index.

Seal. This confession was afterwards published by the king without the date and with other material omissions.

Dr. Tait examined the story, searching for all the documents referred to. He found the writ received at Calais duly enrolled on the Patent Roll, but the first writ he could not find, although he is inclined to accept it as genuine. He found the shortened confession (as published) duly enrolled on the Parliament Roll of 21 Richard II, but the original sealed document was attached to a duplicate Parliament Roll of 11 Richard II, where it would naturally escape notice in 21 Richard II.

He also found that Dugdale, quoting the Inquisition Post Mortem on the duke as his authority, gave the date of his death as Saturday after St. Bartholomew, i.e. 25 August, a fortnight before the date of the confession, and that Gregory's *Chronicle*<sup>1</sup> refers to a rumour that he died at Bartholomewtide. Dr. Tait's general conclusion was that Rickhill's story was to be accepted, in spite of his inability to find the enrolment of the first writ; and that, to put the matter shortly, the death of the duke was announced before the departure of Rickhill, and the date of the confession suppressed in order that the fact of his being alive in September might be concealed. Afterwards the duke was sent for to stand his trial and murdered before he could be brought to England. The writ summoning him was endorsed by his jailer, the earl marshal, that he was dead. This was, of course, accepted in England as natural, since every one supposed that he had been for weeks.

Some time ago a chance question from a student induced me to make a further examination of the records in the case. I sent the result to Dr. Tait, who suggested that I should make it public. In the first place, the writ received by Rickhill in Calais is enrolled very much out of place on the Patent Roll. If Dr. Tait had taken the hint and looked correspondingly out of place on the Close Roll, he would have found the first writ duly enrolled there (Close Roll, 21 Richard II, pt. 1, m. 16), identically as quoted by Rickhill. The original sealed confession was traced by means of the printed *Rolls of Parliament*, where it is printed as from the duplicate Parliament Roll of 11 Richard II. Since 1902, however, the Parliament Rolls have been re-examined, and it has been recognized that the roll in question is not a duplicate roll at all, but merely a copy of the proceedings of 11 Richard II attached (doubtless for reference) to the original documents of 21 Richard II. Dr. Tait himself suggested, and rightly, that this roll was made up in 21 Richard II, but he did not realize that it was not a Parliament Roll at all; that the confession was not hidden in it, but was the reason for its existence. Moreover,

<sup>1</sup> Camden Soc. p. 95.

attached to the actual duplicate roll of 21 Richard II is a thin membrane containing a complete copy of the unmutilated confession and of the other documents attached to it. The roll was examined by Dr. Tait, but this membrane escaped his notice ; and I am not surprised that it did. It is so thin and clung so tightly to the back of the roll, that it was only in rolling up the roll, as I was finishing my examination, that I noticed a slight thickening perceptible to the touch only and was induced to make a closer scrutiny. Indeed, another inquirer, who had handled the same roll a few days before, would hardly be convinced that I had not myself added the membrane in the interim. Its presence in this roll weakens the evidence in favour of Dr. Tait's argument, as it tends to show that no attempt was made, during the proceedings, to hide the date of the duke's confession. Moreover, the enrolment in chancery of the unmutilated confession might be produced at any moment.

Another matter to which attention must be called is the date of the duke's death. Unfortunately the statement of Dugdale that the duke died on Saturday after St. Bartholomew was accepted as correct. As a matter of fact the Inquisitions Post Mortem (in Dugdale's language 'the Escheat') taken after the duke's death do not give this date at all. There exist inquisitions after his death taken in several different counties by different juries : some of these give the date of death as not known, some give it as Saturday after St. Lambert, all the rest give Saturday before St. Lambert. The feast of St. Lambert was 17 September (Monday) and the Saturday before was 15 September, well after the date of the confession. This fact seems to weaken the evidence in favour of the king's having falsified the date of death by putting it a month too soon. Moreover, if the duke was generally supposed to be dead in August, why did parliament order the issue of a writ to his jailer to produce him in September ?

In face of these facts I think that the line of argument in favour of the guilt of Richard must be altered.

A. E. STAMP.

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### *The Imperial Embassy of 1553/4 and Wyatt's Rebellion*

THE following document from the Bodleian Library is a copy made at the close of the sixteenth century by John Guillim, while preparing his *Display of Heraldry*. It does not appear to have been printed, and it adds some details to the descriptions already available.

W. P. M. KENNEDY.

MS. Rawlinson B. 102, fos. 83-5.

A memory of the comynge in of the Emperours Embasadours for concludinge of the mariage betweene the Queens ma<sup>tie</sup> our mistres and the prince of Spayne, As also in the same tyme of the Rysinge of the Rebelles in Cente by the meanes of Sr Thomas Whyat Traytor and other with him confederate against the Queens ma<sup>tie</sup> our mistres proceedings

The second day of January: i553: and in the first yeare of the Raigne of our Soveraigne Lady Queene Marry the first, the emperours embasadors at too a clocke at after nowne came from gravesend by Watter and Landed at Towre wharffe, who certayne of our lords and gentlmen accompayned them from thence to their Loygings appoynted as to Durham and Suffolke place, in manner followinge,

Le Count de Degmoimt, _____	The Eearl of Devonshire
Le Count Delalayne, _____	{ Lord Cobham _____ }
	{ Lord Admyrall Lo. wr. hoyward }
Mounser Ourgeaux, . . . . .	{ Lord Hastings _____ }
	{ Sir Edward Hastings _____ }
Le Chauncelyer De Lordre	{ Lord Garrete _____ }
	{ Sr Thomas warton _____ }

Besyds other knights and gentelmen accompanninge the rest of the other stats in the company of the said empasadours

The morowe after their comyng at one of the Clocke at after nowne the said embasadours from their logings weare sente for and accompayned to the Courte as by,

The Earle of Arundell, The Earle of Derby, The Earle of Sussex, The Lord Admyrall, The Lord Cobham, The Lord Paget, The Lord Fytz Walter, The Bushope of Dyrrham,

With diverse other gentl<sup>r</sup> for whos comynge was their abyding and in order the gard standinge from the hall dore vn to the greate Chamber dore all in ther riche Coats, And from the greate Chamber dore to the Chamber of presens stod the pencioners with their pole axes one either sid, and at the said greeate Chamber dore the embasadors were receaved and / And brought vnto the presens of the Queens ma<sup>tie</sup> beinge in her chamber of presens as by <sup>1</sup>

fo. 83v.

The Duke of Northfoulke, The Duke of Suffox, The Lord Chauncelour, The Lord Prevy Seale, The Lord Tresorer, The Lord Chamberlen, The Earle of Devonshire, Secretary Peter, Secretary Bourne.

Which embasadors after certeyne communicacōn w<sup>ch</sup> they had w<sup>th</sup> the Queenes ma<sup>tie</sup> for that righte depected

The vj day of January folowing being Twelfe day they came agayne to the courte befor nowne and went befor the Queene to the Chapell they devided with noble menn ij and ij accordinge to their degrees and conteinewed all the service time and sawe the Queene offer, and masse beinge done a while after, went to dynner the Queenes highnes dynyng in her Chamber of presens, and the embasadors who had worthy there

<sup>1</sup> [In margin:] From the greate chāber dore vnto the queens p<sup>resens</sup>

sate at the nether end of the queens table, And there pastymed all that day in daunsing and other things to dryve the day away as beare beatinge till night and theire suped in like cace, wheare after super was much melody as daunsing, maskinge, and a play, which done departed for that day.

The ix<sup>th</sup> day of January folowing the fore said Embasadors Dyned at the Bushope of Wynchesters Lord Chauncelor of England and had greate Cheire.

The next day followinge they Ryd to Hampton Courte whereas was attendant for them the officers of the Quenes ma<sup>ty</sup>s houshold to see that theire wanted noe thing that was posible to be had or be provided to make them Cheire, theire accompanied them thither The Lord willm Hayward Lord Admyrall the Lord fytzwater and diverse other gentlemen theire pastymed all that day and night and returned the morowe/

The xv<sup>th</sup> day folowing they dyned at the Earle of Pembroks wheare they had notable Cheire. And the morrowe after aboute two of the cloke at after nowne from ther Loygings the came to the queens parke at westmester and in company with them diverse of the nobles, where they sawe the grade [<sup>?</sup>garde]<sup>1</sup> shewt wrastell and cast the barre till yt was toward nighte then they prepared to theire Loygings to Super

Soe after that they had likewise at the courte beine Re<sup>2</sup> and had greate Cheire with much pastymes as aforsaid evermore afterward they came and went to and fro the Courte as well by water as by land and spake with the Queene at there pleasure at all tymes Convenyent, till that they had brought to passe and concluded for there purposse which they came for.

The xxvj<sup>th</sup> day of January the Rebellyous begane to assemble at fo. 84. maydstone, as Sr. Thomas Wyatt Chef of the Rebellyous and diverse other gentlemen who had gathered together as at that tyme theire were esteemed the number of two thousands and after encreased to a greater number the meaninge of there rysinge was as they declared to resyste the straungers, for the prince of spaynes commynge in who at the present yt was concluded by the queene and her Counsell w<sup>th</sup> the said Emperours Embasadours that he should marry w<sup>th</sup> our Sovereigne Lady the queene which was thoughte to be for the welth and greate Commoditye of this Realme of England of which Rebellyous incontynent by the Lord of Burgaveny and others the Cuncell had knowledge of, the next day they came to Rochester and had that tounne at there pleasure, and pluck vp the Brydge for ther defence agaynste all them that came to resyste theire presens in the Queens ma<sup>ty</sup>s behalf Vnto the which Rebellyous was sent one saterday at night folowinge the xxvij<sup>th</sup> day of January, as Chef the Queens ma<sup>ty</sup>s lieftenante the Duke of Northfolke and w<sup>th</sup> him the capteyne of the gard Mr Jerningham w<sup>th</sup> a vj<sup>c</sup>s of the gard, with certeyne other capteynes, as the Earle of Ormond Cheiffe, Sr Georg Hayward Sr John Hogge, Captayne Bret pelham and Phitz Williams w<sup>th</sup> vij<sup>c</sup> men at vttermost where v<sup>c</sup>: of them they had out of London and the rest prest and taken vp at greenwyche and other place, and w<sup>th</sup> the Duke went of the heraulds Somerset, Lancaster, and Ruggedragon, pursuyvants, Soe

<sup>1</sup> One word written over another.

<sup>2</sup> Contraction for 'received' ?

when that the Company came nere Rochester and vpon the hill where they had plased there ordenaunce against the gate, and to have given the enterpryce Sodenly ther was a cry w<sup>th</sup> casting vp of capes and turned the ordenanc from the Rebelles, and cryed what, what, soe that there fled vnto the Rebell Wyat all the Company w<sup>ch</sup> the duke brought w<sup>th</sup> him, as well Captaynes as other, Excepte certeyne as the Earle of ormond Sr Georg Hayward Sr John Hogge the Capteyne of the gard and the gard and certeyne other the queens servants, Soe was the Duke glad to w<sup>th</sup> scape him self and certeyne others aboute him, which was a Rewfull hearinge to all the quens loving subiects and encoragment to whyat and all the rest of the Rebelles about him, and thinking by Reason of treaytors which fled vnto him that were sent by the sytizens, and other soldyours that were taken vp by commyssion that the Sytie had beine at his commaundement, But thanks byeuen to god he was deceived, also [?] the day before there Remove from Rochester to Londonward The Lord Cobham lyeinge theire by w<sup>th</sup>in two or three miles at his castell called cowlinge wyat w<sup>th</sup> a too or thre hundreth Rebelles brought vnto his gate a copell of pecs as Faucons, beinge there redy to dyscharge willed him to yeld which would not, whearvpon they dyschardged and broke the gate and fyred, Soe that he yelded and came forth with his three sonnes w<sup>th</sup>out the losse of any manne except thre which were slayne w<sup>th</sup>in his castell w<sup>th</sup> the shotte, whether that the comynge of Wyat vnto the Lord Cobham after this manne were for any pollyce betweene them both wroughte, for him to seeme to be the queenes ma<sup>ts</sup> trewe subiect, and to worke for the contrary thinkinge by this meane not to be suspected, I deferre yt vnto other as vnto the Queenes maiestey and her counsell, for the day befor the Rebelles entred Southworke the said Lord Cobham came from them as he said leaueinge his thre sonnes in gage w<sup>th</sup> them for his comying agayne he was before the coñsell and examyned and after commytted in the custody of the Earle of Pembroke, the same tyme beinge admited the queenes ma<sup>ts</sup> leiftennants of her Army agaynst the Rebelles/ And the same day that the Rebeles came into Southworke at night was the Lord Cobham had from theme by the gard to the tower, the last day of January was sent vnto wyat the Rebell / Rebell to Comon and to knowe of his p<sup>r</sup>tence, Sr Edward Hastings m<sup>r</sup>: of the horsse and m<sup>r</sup> Gornewalles of the pryvy chamber and with them Somerset Herauld who had not Suferauce much to coñon vnto him, But this Wyat said this is my p<sup>r</sup>tence to have the Queens pson, the governaunce of the Tower, and the dysposinge of the Counsell and bad them to avoyd,

fo. 84<sup>v</sup>.

By Reason of which Rebellions the first day of february departed thembasadors from the Courte who tooke there leave of the Queens maiesty and her counsell not all thinke mery taking there boate at the Queens steares to ther Loygings as to Suffolke and Durham place, for there bagage and from thence to S<sup>t</sup> katerens & there tooke sheevinge the Rebelles beinge at Greenwich and detford who weare the occasion of the deptynge soe soone as was supposed

The same day Rode the Queens maiestie from the Court at westmiester w<sup>th</sup> her Counsell and othe her nobles attendant about her throughe London, to yealdhall and there made a goodly oracion touchinge the

Rising of the Rebell Wyat against her highnes, cloked in the pretence that he would not have the prince of spaine enter into this Realme to beare any Royale heare or mary w<sup>th</sup> her grace, who in the p<sup>r</sup>posic<sup>n</sup> declared vnto the people theire p<sup>r</sup>sent to here that her grace would call a pliamet therfore and that yt should not be w<sup>th</sup>out yt were for the greate Co<sup>m</sup>on wealth vnto this Realme w<sup>th</sup> many other gentell and Loving words that she reioysed all harts there to heare and after departed and tooke her boat at thre cranes to westmiester/

The third day of february came the Rebelles to Southworke, against whome imediatly was the bridge brok and cast into the Tēmes for there cominge over and vpon the bridge on this syde wheare yt was broke a viij or ix paces of was thre peecs of ordennce and the bridge well garded w<sup>th</sup> men well harnest of the Cytizens every day and night specially a two thousands and all other placs of the Cytie where vantag might be taken was foreseene in like mann<sup>r</sup>, by the Lord Willm Hayward Lord Admyrall who had the over sight of the holl Cytie and keeping of the Bridge till the Rebelles were gone, who lay theire iij dayes as Saterdag Sondag and monday w<sup>th</sup> out any dysturbe againste

The vj day of february beinge shrovetewesday they departed from Southwork to kingston and there were by iiij of the clocke at after nowne, and vewed the bridge which was broken for his commynge over how be yt they made p<sup>r</sup>vic<sup>n</sup> and came over that night of whom word was brought to the Courte Soone after mydnight that he was over and p<sup>r</sup>tended heither ward as he did w<sup>th</sup>out any faile, And yt god had not otherwise dysposed that he chaunsed by the way to take his rest, longer then he thought to have done by Reason of his travaill and dysturbed w<sup>th</sup> his ordenncs which fortunied well that he folowed not his p<sup>r</sup>tence for yf he had come w<sup>th</sup>out staye or rest takinge in the morning Soe erly as he thought to have bene at westmiester had taken his resystanc vnready and the Queens mat<sup>ie</sup> in danger at her palays of westmiester/

The same moringe being ash wenestay by vj of the clocke was the Earle of Penbrooke the Queens m<sup>ties</sup> lieutenantte w<sup>th</sup> his army in the fild, the Lord Clynton marshall and all other officers vnto the lieutenantte for his army apperteyninge, theire abydinge on the hill beonde charing crosse as this / This side the pke pale called highe Sandingfild hid to the fo. 85. number of v<sup>c</sup> for the comming of the said Rebelles. Vnto whome was sente betwene viij and ix of the clocke the beinge w<sup>th</sup>in lesse the halfe a mile of batell bridge by the spytell house, Chester Herauld by the Lord Lieutenantte to will him to submyte hymself for cause of bloud shed And stand vnto the Queens highnes mercy vnto whome he would be a meane for his pardone, In whom as was suposed lay in him for to obteyne, by Reason of A Ringe & a letter w<sup>ch</sup> was sent vnto him from the Queens mat<sup>ie</sup> by secretary bourne, which was to fore see things as yt might be supposed according to his dyscretion, And yf might be w<sup>th</sup>out blowd shed on ether pte and mercy to be shewed, how beyt he refused & would not yeld in noe case and for any thinge that could be vnderstand, they would fight yt out to the Vtermoste And marched on so that when they came aboute spytill by batell bridg, was ther Barnardyne garnadoo w<sup>th</sup> xl Hargerbusiers and pike men which scrimged w<sup>th</sup> them at ther passing by

wheras when they were past the bridge and in the high way vnder the foot of the hill where our ordeñnes was placed that troubled them sore crossed over to St James ward by our horsemen where they were on eche side them and weare suffered to passe as was before ther comming determyned the one half of the Company and then jmediatly the Lord Clynton m<sup>r</sup>: Poynings provost marshall the Lord Garrat an S<sup>r</sup> George Hayward, w<sup>th</sup> the rest of the horsmen on both sid them, at the sownd of the Troumpet determyned by the said Lord Clynton cut them of and put them to flighte wheras slayne, and mayned not to be thought to have lyef the number of vij score or theire abouts And the rest w<sup>ch</sup> escaped forward were esteemed to be a v<sup>c</sup>: or theire aboute tooke there way as afore said by St James & soe to charinge crose where they were for a tyme resysted, But yet at the last passed and marched into fleete strete wyatt beinge foremost w<sup>th</sup> his ansente, came to Ludgate thinkinge to have entred by meanes of his pollesy and thought frendshepe in some Cytizens as like was, him and his Company through out fleete strete songe god save the Queene we are her frends the house houlders standinge eich man at his dore w<sup>th</sup> wepon and harnes all alonge and not once moved forwards them, Howe be it craft did not them p<sup>r</sup>vale the gate being shout, wherfor wyat fled bake w<sup>th</sup> his Company to Temple gate and ther stood at his defence for a tyme the space of anower, vnto whom came Soundry of the Queens subiects to pswade him to yeld declaringe his estate that was not able to resyst wherfore better yt were for him to cleve vnto the Queens highnes for mercy then otherwise, where vpon at lenth through the pswasion of one amongst other called m<sup>r</sup> Barclay<sup>1</sup> yelded, and light vpon Barclays horsses and Barclay behynd him and coming to the courte ward mete w<sup>th</sup> the Lord Paget w<sup>th</sup> whome he proceeded into the Court whervpon Word was sent imediatly vnto the Lord Lieutennte being in the fild who vpon the knowledge thereof Returned into the Court w<sup>th</sup> certeyne of his horssmen & befor him the officers of armes And troumpetts Sownding vnto the Court gate And thus ended with joy thanks giveing vn to god who giveth victory/

God save the Queene

fo. 85v.

The tyme of the Rebelles Arreynmte

Rudstone\_\_\_\_\_

Cromer

Coulpeper

Walter Mantel the yonger

Walter Mantel the elder

Knevet

Knevet

Mr. Harry Vane

Vaughan

Brett\_\_\_\_\_

The were arrayned at westmiester and condempned the xv<sup>th</sup> day of february The Lord Treasurer m<sup>r</sup>quis of wynchester sat as cheffs who gave there Judgement to be hanged drawne and quartred &c.

Harry Duk of Suffis arrayned at westmiester and was condempned the xvij<sup>th</sup> day of february the Earle of Arondell Lord chef Steeward of England sat as chefe who gave his Judgment to be hanged drawne and quartred &c.

<sup>1</sup> Or Barcelet: *t* and *y* have been written, the one over the other.

Mr Thomas Cobham sonne to the Lord Cobham	}	Arrayned at
Isseley		westmiester the
Mowre		xix <sup>th</sup> day of february
Vane		& condempned The
Wyat	}	Earle of Sussex sate
		as Chefe who gave
		there Judgmente to
		be hanged drawen
		& quartred &c:

Lord John gray brother to the Lat Duke of Suffs Arrayned at westmiester and was condempned the xx<sup>th</sup> day of february The Earle of Sussex, Lord Chef Judge gave his Judgment to be hanged drawen and quartred &c.

The xxij<sup>th</sup> of february of the Rebelles w<sup>ch</sup> wher cast for there defaults ij<sup>c</sup>: li: were copled together ij and ij a Rope Runninge betwene them, all w<sup>th</sup> halters about there necks came to the Court and there of the queens highnes our most m<sup>c</sup>ifull Sovereigne Lady receaved there pdone for lyve/

The xxv<sup>th</sup> day of february, being sonday of the rebelles w<sup>ch</sup> were cast for theire defaults ij<sup>c</sup> and vpward were copled together as aforsaid came to the courte, and of the queens m<sup>tte</sup> our m<sup>c</sup>ifull Lady Receaved there pdone for ther live/

The Lord Thomas grey brother to the late Duke of Suffolk arrayned at westmester and was condempned the x<sup>th</sup> day of march the Earle of Sussex Lord Chef Judg gave him his Judgment to be hanged drawne and quartered &c/

S<sup>r</sup>. Thomas wyat chief Rebell in kent arrayned at westemster the xvj<sup>th</sup> day of march the Earle of Sussex Lord Chef Judge gave him his Judgment to be hanged drawne and quartred &c

The ij day of apprile begane the pliament after the oũthrow of y<sup>e</sup> Rebeles in kent

S<sup>r</sup> James acrosts arrayned at yeld hall the xxvij<sup>th</sup> day of aprile in the first yere of the rayne of o<sup>r</sup> Sovereigne Lady queene mary

Anno Regni Reginae mariae primo

Embasado<sup>rs</sup> into spayne for the prince to come over

Blewmantell	}	The Lord Prvyseale	}	dparded from the Tower the xv <sup>th</sup> day
Pursyvant		The Lord fitz water		of march

These Lords and gentlmen did acompany them

The earle of worcester	}	Sir Harry Sydney
The Lord fitz water		m <sup>r</sup> north son & heire to S <sup>r</sup>
The Lord garrat		Edward north
S <sup>r</sup> John Hayward		m <sup>r</sup> Chamberlen son & heire to
Charles howard son & heire to the		S <sup>r</sup> Rhaff Chamblen
Lo: Admyrall		m <sup>r</sup> Drewry
Lord wilm Howard		m <sup>r</sup> Fowler
		m <sup>r</sup> whyt of Essex

M<sup>d</sup> yt is to be noted that a knight of the garter beinge of Embasage beond the seyes or in any other place w<sup>th</sup> in this Realme absent from S<sup>t</sup> george feast on the Evcond officers of armes being p<sup>s</sup>ente shall cause

a scochin of the kinges armes & an other of the Lords be set vp at sservice tyme in place where shalbe apoynted theire to were his Robes and his coller both one the Eve and one the morow and the next day after St georg day to were at the masse of Requiem but only his mantell and the officer of Armes theire w<sup>th</sup> hym p<sup>r</sup>sent to were the Sovereigne coate of armes at the same service tyme and yf it be one the sea bord the same tyme to vse theire the lik sermony as aforesaid by land yf weather be according

### *A Letter of Catherine de Médicis to Mary, Queen of Scots*

IN the ten-volume edition of the letters of Catherine de Médicis there are only three letters to her daughter-in-law, Mary queen of Scots. One, dated August 1575, is a short, formal, dictated note. The other two, dated respectively September 1581 and December 1583, were written, as is shown by the spelling, in Catherine's own hand ; but they are reprinted from printed sources and the originals are unknown. The British Museum possesses the original of a fourth letter (unpublished), also written by Catherine with her own hand and dated September 1582, which is here printed.

PAUL VAN DYKE.

Brit. Mus., Caligula, C. vii, fo. 50.

#### *Catherine de Médicis to Mary Queen of Scots. Holograph, 22 October 1582*

Madame ma fille, envoyent le Roy mon fils le sieur de la Motte ver le prinse v<sup>r</sup>e. fils pour tousjours luy fayre conestre la continuance de sa bonne volanté ver vous et luy et v<sup>r</sup>e. Royaume chause de si longtemps conjointe aveques cet royaume et continuée des Roys ces predycesseurs ver les siens quant ils ont aysté en mal et necessité que yl ne voldroit fallyr a contynuer en cete mesme volanté et davantage come aystent l'alyanse ausi plus aystrette. Chause que je desire que a vous puyse servyr l'ofise [?] qui ha fayst et au prinse v<sup>r</sup>e. fils aultent que je say que de bonne affection ysi [on] employe pour revoyr tout a v<sup>r</sup>e. contentement et luy en lyberté Et de ma part estiment que je vous y poure servyr je m'y anployre d'ausi grande affectyon que cet aystyes mes propres enfans car je n'oblyre jeames l'amytye que maves portée et la fason coment en cet Royaume vous ayste conduyte en mon endroyt de quoy je vous ennavre toute ma vye aubligatyon et menremectent sur le dyst sieur de la Motte ne vous fayre plus longue la presante et pryre dyeu vous donner cet que desires. de Paris cet xxii d'Octobre 1582

V<sup>r</sup>e bonne et affectionne

CATERINE

### *Charles II and Louis XIV in 1683*

THERE is in the Public Record Office an extract from a letter from The Hague which sets forth an alliance made between England and France during the last years of the reign of Charles II.

The date of this alliance is not given ; the letter bears the date of January 2/12, 1683. From the closing paragraph it is evident that the letter is from a Dutchman who has little confidence in the good faith of England ; but other than this we have no clue as to the authorship of the document or to whom it was sent. The extract from it was sent to Secretary Conway's office, as it bears the stamp of the Conway papers. Mackintosh found a duplicate of this document in Lord Preston's papers and his notes from it are in the Mackintosh papers (Brit. Mus. Add. MS. 34,517, fo. 49). The only essential difference between the two extracts is that whereas the Preston extract states that of the 60 men of war which Charles II was to furnish France, 12 were to be from 70 to 80 guns, the Conway document states that 20 were to be from 70 to 80 guns. This is without doubt an error on the part of the transcriber, and the extracts are based on the same original. How Lord Preston secured this extract it is impossible to say.

One cannot state positively whether or not there ever was such an agreement made between Charles II and Louis XIV ; but the belief in it, even if it was erroneous, was sufficiently important to attract the attention of the English statesmen of the time and is therefore itself a fact worth noting in the tangled history of the period.

F. A. MIDDLEBUSH.

State Papers, For., Holland, ccxvii, fo. 174.

From the Hague Jan. 2/12 1683.

I herewith send you the Alliance between England & France, wch hath been communicated to me when I was in London, the contents whereof are

- I. His Maty of Great Brittain obliges himselfe to make a Defensive Alliance with the States of Holland, & to exclude the most Christian king & to force Him to keep the Peace, wch will give Occasion to France to make Warre ag<sup>st</sup> the States.
- 2<sup>dly</sup> His Matr of Great Brittain is resolved however to take the first opportunity He can to breake that Engagem<sup>t</sup> with the States, & to make Warre ag<sup>st</sup> them, and that his Generals are to have Order to joyne with the French Troopes, & to act joyntly ag<sup>st</sup> the States.
- 3<sup>dly</sup> His Maty of Great Brittain obliges himselfe to assist the king of France with a fleete, & to furnish Him 60. Men of Warre, whereof 20. are to be from 70. to 80. Guns, 20. from 40. to 60. and 28 from 20 to 36. Guns, besides an Army of  $\frac{m}{20}$ . men both of horse & foote, all wch is to be done with French money, & this Alliance is to last untill Holland be brought under their Obedience.
- 4<sup>thly</sup> These above three articles being brought about, a Treaty is to be Instituted how to divide the East & West India Compagny, & that these two nations English & French onely are to sayle into those Parts,

& then an agreement is to be made between them w<sup>ch</sup> is to comprehend all the Provinces within & without Europe.

For the continuance of this friendship, France offers to pay immediately 6 millions of Guilders to the king of England, & to assist Him untill He be Sovereign overall his Subjects, that he may no more be obliged to call his Parliam<sup>t</sup>.

To the obtayning of w<sup>ch</sup> Sovereignty, France promises to assist the king of England with an Army of  $\frac{m}{50}$  men, to be paid by the king of England.

As soon as the king of England has made himselfe Sovereign, he promises to resigne all Rights & Pretensions w<sup>ch</sup> he can have upon France, & to putt out the three flowers de Lis, w<sup>ch</sup> He beares in his Armes.

This is the old Allyance w<sup>ch</sup> has been formerly concluded between the two Crowns, & renew'd & confirmed of late, by w<sup>ch</sup> it appears how little we are to trust to England.

## *Reviews of Books*

*Iranians and Greeks in South Russia.* By M. ROSTOVITZEFF. (Oxford : Clarendon Press, 1922.)

THIS magnificently printed and illustrated (therefore, expensive) volume presents the first essay made by a competent authority to use the immense corpus of South Russian antiquities for historical rather than archaeological purposes. Its nine chapters were written originally, we believe, and delivered as lectures, in French, and the rendering in which they now appear is due to Mr. J. D. Beazley, who also has seen the proofs through the press. His participation in its production confirms the value of a book which in any case, since it represents the views of the most widely learned historian of ancient times, now living, and moreover of one whose knowledge of Russian and kindred antiquities is the most encyclopaedic, would command the attention of all scholars. Coming after Dr. Minns's remarkable repertory of Scythian and Scytho-Greek antiquities, which first introduced most English archaeologists to the amazing riches of South Russia, Professor Rostovtzeff's volume assumes knowledge of that work, adds to its evidence at least as much again—though much of this without illustration and some of it by mere allusion—and from the whole body of evidence, combined with the little that classical literature supplies, proceeds to deduce in outline the histories of the successive or contemporaneous peoples which have inhabited South Russia from the copper age to the kingdom of Kiev. It is such a range both in time and space as, perhaps, only Dr. Rostovtzeff could cover. He is instructive alike on the prehistoric Maeotian peoples—Sauromatians, Sindians, and others—on the Cimmerians of the late bronze age, the Scythians of the early age of iron, the Sarmatians of the Hellenistic and Roman periods, the Greeks from the Danube to the Kuban who traded or combined with these, and the autochthonous artistic sedentary folk which he believes to have persisted beside and under all successive waves of nomads and to have not only learned from but taught them all, right down to the Germanic hordes which passed over and the Slavonic peoples who, at the last, came to stay.

The author's main purpose is to establish for South Russia a claim to have been, in all the ages with which he deals, one of the most important centres of ancient civilization. He traces three main currents of foreign influence converging from east (Iranian and Mesopotamia), from south (Asia Minor and Greece), and from north-west (central and northern Europe). These, he says 'met in the Russian steppes, coalesced, and formed a great civilization, quite independent and extremely original, which influenced, in its turn, central and northern Russia, and central

Europe as well'; and he ends by disposing of any 'miracle' in the seemingly so sudden development of Russian civilization during the ninth century A. D. by recalling the reader's memory to the long series of civilized states which had preceded that of Kiev. It is radically wrong, he holds, to make the history of Russia begin in the ninth century. There, as elsewhere, the date must be set back through the classic to the protohistoric period.

Dr. Rostovtzeff knows, of course (indeed he issues more than one challenge), that he will have to meet critics at many stages in that long course of history, and that some of his chief points are based on assumptions, supported by a wealth of circumstantial evidence, but not definitely provable now, or possibly ever to be proved, seeing that the non-Greek peoples of South Russia seem to have been 'mute', that is, to have left nothing written or inscribed. It will still be contended, for example, that he pushes his beginnings of Russian high culture a millennium too far back, and that, in view of the long void which according to his dating follows upon the glories of the 'Red Paint' graves, his Sumerian, proto-Egyptian, and Trojan parallels do not supply convincing proof that the South Russian copper age fell before 2000 B. C. Again, his ascription of great classes of products to unfamiliar claimants for the honours of culture, the Cimmerians and the Sarmatians, is bound to be questioned; while those who do not hold the Scythians to have been Iranians will doubtless raise objection to his characterization of their state as a northern Persia. The pages of this Review are not the place where such questions should be argued; and, obviously, whoever sets out to argue them upon Dr. Rostovtzeff's own ground will be faced with a singularly complicated and difficult task. We must content ourselves with pointing out that whatever views be taken on each or all of those greater questions, a student of ancient history can learn more by the way from this book than from almost any other of recent years. It is full of illuminating comparisons, such as those between Bosphoran coin-types and Paphlagonian rock-sculptures, or between Scythian finials of animal form and Cappadocian metal-work (some 'Cappadocian' objects, by the way, that are figured in this book are really Syrian). It is full, too, of sidelights and suggestions on obscure points of Greek history, e. g. on Amazons, on Milesian colonization, on the geography of the Odyssey, on the Argonauts, and on a score of other puzzles. It is not necessary to be an archaeologist to derive profit from reading it. The ordinary historical student will find it well worth his while. But if he reads it through, he will have started on archaeology, and can hardly fail to want to pry further into the Aladdin's cave whose door Dr. Rostovtzeff here throws wide.

D. G. HOGARTH.

*Rome, la Grèce et les Monarchies Hellénistiques au iii<sup>e</sup> Siècle avant J.-C. (273-205).* Par MAURICE HOLLEAUX. Bibliothèque des Écoles Françaises d'Athènes et de Rome, fascicule 124. (Paris: Boccard, 1921.)

IN his present work, which is to be followed soon by a continuation dealing with the second Macedonian war, M. Holleaux examines the conduct of Rome's foreign affairs, in the Greek world, at that momentous time when

Rome and Greece first came really into close contact. He examines in great detail and with full apparatus of authorities both ancient and modern—subjected to a ruthless and penetrating logical and historical criticism—a number of generalizations in regard to the policy of the Roman senate in the third century B.C. which have been current, in various degrees of positiveness, during the last half-century or more. The chief of these generalizations, and the one of which nearly all the others are detailed developments, is that which attributes to the senate, from the days of Pyrrhus onward, a Machiavellian plan of imperialist expansion in the Hellenic and Hellenized world east of the Adriatic; a plan mentioned by no ancient author, suggested as probable by Bossuet, approved as an ascertained fact by various writers of about a century ago, mentioned by Mommsen only to be refuted, taken up again by numerous writers of the present day (notably by Kromayer, Pöhlmann, and Niese), and nowadays, as M. Holleaux fears, in danger of becoming almost an accepted commonplace. To Sig. De Sanctis's work, though he differs often from its conclusions, M. Holleaux pays a respectful pre-fatory tribute.

It may be said at once that M. Holleaux seems to have completely succeeded in his main object, and that, in all or almost all the numerous matters of detail dealt with (more or less) incidentally, his arguments carry conviction. We cannot of course do more in this review than mention some of the more important of these latter points, and it must be remembered that their importance consists largely in their cumulative effect as bearing on the main argument. At the same time, it will be as well to follow at least one of them rather more closely, both in order to exemplify M. Holleaux's method, and also on account of the interest of such work as showing how very easy it is for second-hand authorities to get wide of the mark in their imputation of motives, without any very obvious violence to the actual facts.

Perhaps the most instructive point, considered from this angle, is the exchange of embassies between the Ptolemies and Rome after the latter's success against Pyrrhus. There is no question of denying the actual exchange of embassies, due to the initiative of Ptolemy, not of Rome, for the ancient authorities on this matter are very numerous, if not particularly good (p. 60 of M. Holleaux's work). But Droysen, the great forerunner of modern research on the Hellenistic period, writes of an 'alliance, thus inaugurated, which was to prove, by lasting two hundred years, its appropriateness to the situation'; Mommsen, in a characteristically bold sentence to which, however, it is difficult to give the lie direct, declares that the embassies—he mentions no 'alliance'—'though primarily they regulated only commercial relations, beyond doubt prepared the way for a political alliance'. The phrases of Mommsen and Droysen keep recurring in subsequent historians; but they are mutually irreconcilable, and it is evidently high time to see on what they are based.

The ultimate source of the information can only be the Roman annalists directly or indirectly drawn on by Livy, Dio, &c. Livy is extant only in epitome at this period, and the epitomator's word is *societas*, i.e.

strictly speaking, a formal alliance; but apart from the difficulty of understanding under what terms Rome could conceivably have entered at such a date upon a *foedus societatis* with the Ptolemies, Livy himself, to say nothing of his epitomator, is notoriously lax in distinguishing between strict *societas* and informal *amicitia*, and the word used by the Greek authorities (ὁμολογία) may mean a definite treaty, or a mere informal expression of goodwill. So may the words of Eutropius (ii. 15), 'amicitiam, quam petierant, obtinuerunt'; and the reports of later exchanges of embassies, in the half-century after 273, are so hopelessly mixed up, in regard to such simple matters as the names of the reigning sovereigns of Egypt for instance, that their statement that this 'friendship', whatever it was, was renewed remains as unreliable as it is inexact. In short, there is authority for the mutual expression of goodwill in 273 B.C. by Egypt and Rome, and for nothing more; a political *entente*, a commercial agreement, a written treaty of whatever kind are all alike the inventions, and not at all probable ones, of modern writers, or at best the result of an uncritical acceptance on their part of an ambiguous or unlikely interpretation of Livy by his epitomator.

So, too, with the alleged 'treaty of friendship and commerce' (Droysen again) mentioned, under the date 306 B.C., as having been concluded by Rome with the republic of Rhodes. Here we are concerned with a good authority, that of Polybius (xxx. 5, 6), and this is both used and abused: for Polybius writes, if the manuscript reading is accepted, of a common pursuit by both states 'for almost forty and a hundred years (till 167 B.C.) of the most glorious and noble deeds which never led to the conclusion of an actual treaty'. Briefly, M. Holleaux argues that Polybius, if he made this statement, knew no history at all, and that the words 'and a hundred' must accordingly be omitted as a certain, although rather inexplicable, insertion in the text by (perhaps) the Byzantine extract-editor from whom we derive it. And here, as usual, M. Holleaux seems certainly right; Beloch also came to the same conclusion about the same time. Yet M. G. Colin, the author of *Rome et la Grèce de 200 à 146 av. J.-C.*, whom M. Holleaux is continually refuting, regrets that, in the denial of this 'treaty', a fresh attack is being made on tradition: as M. Holleaux remarks, M. Colin is evidently unaware that the tradition only goes back to Droysen. The late Mr. Strachan-Davidson, by the by, passes the passage without comment.

Other passages of M. Holleaux's work which are of notable importance are the following:

p. 116. He denies the existence of the treaty of 'alliance' between Rome and Athens soon after 228 B.C., accepted by M. Colin, and apparently by Köhler; Ferguson and De Sanctis agree that there is nothing more than 'amicitia' here. M. Holleaux will admit no treaty at all, on the ground that the silence of Polybius (ii. 12, 8) is better testimony than the affirmation of Dio. Throughout he shows a most salutary respect for the intelligent and conscientious character of Polybius's history; and one could wish that all contemporary writers took the same line.

pp. 153 ff., 173 ff., 188 ff. In dealing with the first collisions of Rome with Macedon, 217-214 B.C., and the alliance of King Philip V with Hannibal, M. Holleaux insists on the repeated inattention, or worse, of the senate to the danger threatening Rome's Adriatic possessions; on the minute proportions of Rome's forces beyond the Adriatic, at times, too, when Rome had complete mastery of the Sicilian sea; and on

Philip's extreme rashness (in 214) in attacking the Roman possessions in the region of Apollonia at a time when the Punic arms seemed to have made no impression upon the great naval ports of Syracuse and Tarentum. The king has been quite regularly accused of inertness at this period.

p. 255. The senate, having abandoned Rome's allies in Greece at the time of Hasdrubal's invasion of Italy, has left them still unsupported against Philip for so long a time that Aetolia is forced to make peace; Philip then prepares to attack Apollonia and Epidamnus, and at last the Romans send an army over. As M. Holleaux puts it, 'the danger that threatens Illyria recalls to the Patres the existence of Greece': a summary of his demonstration of the inferences to be drawn from the facts of history in the years before 205.

pp. 267 ff. In 205 B.C. Athens, Sparta, Elis, and Messenia appear in the list of Roman allies recognized in the peace with Philip. M. Holleaux maintains that none of them can have been so included: a good instance of the correct employment of negative evidence derived from Polybius.

pp. 272 ff. Here is an able summary of the position up to this same peace (the peace of Phoinike): Rome has all along treated the Balkan theatre of war as a 'side-show', and so far from diplomatically preparing the ground for a future annexationist programme, has become a byword for brutality and for a selfish disregard for her Greek cat's-paws, by attending ignorantly and exclusively to her fancied interests at each successive moment.

pp. 286 ff. Did Rome, as has been maintained, intend this peace to last only until she had disposed of Carthage, after which she could move east and chastise Philip at her ease? M. Holleaux denies this, for had the senate had any such intention, the war with Philip could easily have been kept going (defensively) at an insignificant cost, and it would then have been possible to move east without exciting such popular opposition in Rome itself as actually arose when the reported coalition of Philip with Antiochus III terrified the senate into war with Philip again, at the end of 201; moreover, the senate must have known that Philip would use the peace (as of course he did use it) to strengthen his financial and military power out of all knowledge.

Students of the third century B.C. will find many other points in which the arguments of M. Holleaux must be considered very seriously, but we think the foregoing are those of the greatest general interest, and of the most weight in his argument. His book is full of intricate argument, and there are cross-references back and forward throughout the book; but all his work is so clear and lucid that (with attention and a little trouble) it can be quite easily grasped. Moreover, and this is perhaps its greatest merit, the book gives with an appearance of unstudied and 'incidental' quality, which must have cost the author a great deal of pains, a very clear idea, emerging from the facts themselves as presented and studied in detail, of the character of that Roman senate which overcame the terrible brilliance of Hannibal, as it must have presented itself to the shuddering gaze of the civilized Greek world, a senate sordidly preoccupied with its own interests, ignorant and foolish beyond conception in its dealings with the outer world, and (above all) quite insensible to the most elementary duties of civilized states—see especially p. 235—in such matters as the faithful execution of treaties of alliance, the treatment of conquered territory, and the respect for the ideals of autonomy and pan-Hellenism. It is a picture singularly unlike the customary ones of an 'assembly of kings' employing freely their experience and tact for the good of the state, which is of course the obverse of the medal and is by no means to be neglected; but it is one which agrees not so badly with such occasional sidelights on the real character of *Roma ferox* as we get from

the genial Horace in his more imperial mood : when he glories in the servitude of the nations—

Medus infestus sibi luctuosus  
dissidet armis,  
servit Hispanae vetus hostis orac  
Cantaber sera domitus catena. . . .

There *was* a process of deliberate imperialism ; but it has been proved by M. Holleaux in this work to have come into existence after and not before the great wars with Macedon and Syria about 200 B. C.

MICHAEL HOLROYD.

*Somerset Historical Essays.* By J. ARMITAGE ROBINSON, D.D., Dean of Wells. (London : Published for the British Academy by Humphrey Milford, 1921.)

THE interest of these essays is not confined to the history of the shire to which all of them primarily relate. In writing the life of Peter of Blois, the dean of Wells has done much to restore confidence in one of the chief collections of letters which bear upon the reign of Henry II. His reconstruction of the relations between King John and Bishop Jocelin of Bath invites the consideration of all students of the early thirteenth century, although some of them may feel that the king's character is here made responsible for a catastrophe which should rather be ascribed to the inevitable reaction against the centralized government established by his father. The essays on the Somerset archdeacons and the deans of Wells in the twelfth century are of narrower interest, but supply new chronological matter which will help the future editor of the writs of Henry II. But the chief value of the essays lies in the contribution which two of them make to the history of an earlier and darker age. The first removes a great mass of accretion and interpolation from the text of William of Malmesbury's tract on the antiquity of Glastonbury. The second does even more to restore William's credit as an historian. Ever since Stubbs published the *Memorials of St. Dunstan*, it has been assumed that the series of early abbots of Glastonbury compiled by William of Malmesbury is utterly discredited by comparison with a tenth-century list to which Stubbs called attention. The discrepancies between the two lists are irreconcilable, but the dean of Wells has shown that while the tenth-century list is probably founded on inscriptions, entries in necrologies, and similar matter yielding no precise dates, William of Malmesbury's list was derived from charters preserved among the muniments of the abbey. This raises the question of the authenticity of the early Glastonbury charters. Perhaps the most important result reached through the discussion of these charters is the proof that the earliest of them open with a proem derived from an Old Latin version of 1 Timothy vi. 7. The employment of this archaic text is enough to show that the extant copies of these charters rest upon seventh-century material, however much it has been modified by later transcribers. As different forms of this proem occur in early charters derived from other religious houses, such as Malmesbury, this conclusion raises the credit of a whole group of charters which have usually been con-

demned without detailed examination. The question of their credit is important, for if they could be trusted these charters would form valuable material for the obscure period in West Saxon history which followed the death of Cenwalh. Other problems in early English history receive new light from the Glastonbury evidence. The supremacy of the Mercian kings is illustrated by the fact that both Æthelbald and Offa made grants of land in Somerset, though the texts of their charters have not been preserved. The Sumurtun which Æthelbald captured in 733 may now be safely identified with Somerton in Somerset. Evidence of this kind rarely throws light upon the internal condition of a religious house, but two documents of the year 798 prove that Glastonbury at that time was an 'owned monastery', with a secular person as its lord. These documents are valuable as illustrating Leo III's precept of 803, 'ut ex hoc tempore nuncquam temerario ausu super hereditatem domini id est ecclesias laici seculares praesumant dominium suscipere'.<sup>1</sup>

In connexion with this very valuable essay it may be suggested that Bregored, whose name was preserved by William of Malmesbury, cannot have been a British abbot. The stem Brego—'prince'—was used in Old English compound names. An eighth-century archbishop of Canterbury bore the name Bregowine. On the other hand, there was no stem 'Beorh', and the name of 'Beorhwald', the successor of Hæmgils, should be read Beornwald in accordance with the subscriptions to *Cart. Sax.*, no. 108, which are certainly genuine, whatever may be said of the text to which they are appended. The strong form Ini should be preferred to the weak Ina, which has no early authority. These are trivial points, which in no way diminish the gratitude due to the dean of Wells for this new illustration of the way in which the knowledge of history is increased by the critical examination of local problems.

F. M. STENTON.

*A History of Mediaeval Political Theory in the West.* By R. W. CARLYLE and the Rev. A. J. CARLYLE. Vol. iv. *The Theories of the Relation of the Empire and the Papacy from the Tenth Century to the Twelfth.* By A. J. CARLYLE. (Edinburgh: Blackwood, 1922.)

It is now seven years since the third volume of this valuable work was published, and we are glad that Dr. Carlyle has at last been able to complete his survey of the eleventh and twelfth centuries. His epitomes of the principal authorities are as complete, and his quotations are as extensive, as in any previous volume; and, under present circumstances, no one will consider that the new volume is unduly expensive. It would have been a real misfortune if he had decided to continue his undertaking on a smaller scale, in order to spare our pockets. For in this volume, and in the fifth volume which is promised in his preface, the most fundamental issues of medieval politics are in question. In one respect Dr. Carlyle has actually enlarged his plan. For reasons which he has indicated, partly in the preface to the third volume, partly in the last chapter of the fourth, he now supplies us with half a dozen chapters of historical narrative, explaining

<sup>1</sup> *Cart. Sax.*, no. 299.

succinctly the development of each of the great politico-ecclesiastical crises which fall within this period. Every historian will welcome this change of method and the author's statement that 'whatever theoretical judgments may have been asserted in the period . . . were not for the most part the results of abstract speculation, or the expression of systematic thinking, but rather arose out of certain practical difficulties and demands' (p. 386).

The non-historical chapters conform to the method which Dr. Carlyle has uniformly followed in previous volumes, and which has been discussed in earlier numbers of this Review. Their thesis appears to be that, in all the controversies, both the imperialists and the papalists held fast to the Gelasian theory of the two powers. Thus the most zealous reformers of the eleventh century conceded to secular princes a certain influence over the elections of bishops (p. 72), and desired to bring about the *felicem confederationem* of royalty and the hierarchy in the government of Christendom (p. 48). Similarly the imperialist pamphleteers, however extreme, admitted that lay investiture conferred on the bishop-elect nothing but the temporalities of his see (p. 110). To the special and difficult problem presented by the policy of Gregory VII Dr. Carlyle gives particular attention, and he finally decides that even Gregory had no wish to assert the theoretical supremacy of the *sacerdotium* over the *regnum* in temporal affairs. What Gregory intended was to convince all sovereigns, by one striking example, that it was perilous for them to obstruct ecclesiastical reform. His enemy was not the *regnum* but the *rex iniustus*, whose kingdom was simply *latrocinium magnum*. Of course the principle of *iustitia* to which Gregory appealed was as arbitrary and unhistorical and indeterminate as the 'law of nature' or 'the rights of man'; and the appeal to *iustitia* had far-reaching and revolutionary consequences. But Gregory was not aware of his own radicalism; so far as formal theory was concerned, he remained a conservative.

It is no easy matter for a philosopher, or even for an historian of philosophy, to steer a safe course through the tangled mazes of imperial and papal policy. Dr. Carlyle has wisely limited himself, in his narrative, to tracing the evolution of theoretical claims and counter-claims, and has successfully avoided the discussion of issues which are irrelevant to his main purpose. He has founded his narratives as far as possible upon documentary evidence, and he has followed safe guides, such as Hauck and Bernheim, in selecting the material of primary importance. But, in dealing with the events of 1076-7, he twice cites Lampert of Hersfeld for a point of substance (pp. 182, 193), although this most unreliable of chroniclers is particularly to be mistrusted at this stage of his narrative. It would have been more satisfactory if Dr. Carlyle had defined his position more explicitly when he is dealing with documents whose authenticity or historical value is a matter of dispute. The text of the election decree of Nicholas I is a case in point. Dr. Carlyle follows the accepted version (p. 24); but he does not mention the other, although it was germane to his subject to explain in what respects the followers of Henry IV and Wibert were anxious to amend the decree. The *Dictatus Papae* is only quoted once; but it is quoted to prove that, already in 1075, the papal

party claimed the power of deposing emperors (p. 176). It would not have been amiss to discuss the nature of this curious document. In accepting the date 1075 Dr. Carlyle, by implication, accepts the theory that the Registrum of Gregory VII is arranged in chronological order; and a few words on this subject would have been appropriate. In this volume, as in the third, some attention is paid to the contents of that remarkable collection, the *Tractatus Eboracenses*. We had hoped that Dr. Carlyle might throw further light upon their origin, and on the question 'how far they represent tendencies of thought common in some circles' (p. 282). But he is content to reaffirm Böhmer's conclusion as to their date, and to point out certain affinities with Hugo of Fleury (pp. 273-82).

H. W. C. DAVIS.

*Transcripts of Charters relating to Gilbertine Houses.* Edited by F. M. STENTON. (Lincoln Record Society, vol. xviii. Horncastle, 1922.)

PROFESSOR STENTON continues in this volume the valuable work which he began in his *Danelaw Charters* and has continued in the pages of this Review.<sup>1</sup> The charters transcribed and translated in his new book 'were shown to the barons of the Exchequer by the attorney of five Lincolnshire monasteries of the Gilbertine order, the priories of Catley, Ormsby, Alvingham, Sixle and Bullington' between 1407 and 1411 with a view to exemption from the taxation granted to Henry IV by convocation. They were copied into the King's Remembrancer's Memoranda Rolls, nos. 183, 185, and 187. Very few have been printed, and Mr. Stenton here prints the remainder from these rolls. They comprise 64 documents relating to Sixle, 67 Ormsby charters, 29 from Catley (including one already printed in the *Monasticon*), 22 from Bullington with 4 others of which the originals survive and which have already been printed in the *Danelaw Charters*, and 20 from Alvingham. The Alvingham series survives also, with one exception, in the Alvingham Cartulary (Laud MS. 642). Mr. Stenton's collection, therefore, contains 202 texts, of which only one has previously appeared in print. Moreover, with the exception of the fragmentary Bullington series, they must henceforward be regarded as the main source for the early history of the property of the houses from which they came.

Like the *Danelaw Charters* these documents, the majority dating from the twelfth century, refer to small parcels of land. They throw little, if any, light on the domestic life of the Gilbertine monks and nuns and not much more on the general history of the time. As Mr. Stenton points out, the most interesting is a charter of confirmation from Thomas Bardolf, leaving for Normandy, to the nuns and brethren of Catley, dated Wansford 1184. We see Thomas crossing to Normandy from Stamford fair, embarking from Wansford, which is thus revealed as a port, and apparently intending to make the voyage direct.<sup>2</sup> Mr. Stenton's closely written intro-

<sup>1</sup> *Ante*, xxxvii. 225.

<sup>2</sup> The final clauses deserve to be quoted as they contain several points of interest: 'apud Walmesford' quando ego Thomas transfretavi de nundinis Staunford, videlicet anno millesimo centesimo octogesimo quarto ab incarnatione Domini et tricesimo

duction is necessarily restricted to a consideration of local social life as revealed by the charters and to diplomatic characteristics of the documents. He shows himself here, as in his *Danelaw Charters*, exceedingly acute and suggestive. On the settlers and peasantry of the Danelaw he has little to add to his earlier work (the remarks on the survival of the names of early Danish settlers in the names of burial mounds should be noted), but the twenty pages (pp. xvi-xxxvi) which he gives to the written instruments as such are a most important addition to the neglected history of English diplomatic. Nobody appreciates better than Mr. Stenton the relation between social change or circumstance and the forms of documents. He explains how feudal ties required specific epistolary greetings in a charter in one case and not in another; how the movement towards precision, as for example in charters recording the grant of a church, corresponded to a change in contemporary thought; how attestation is in itself almost sufficient to imply the liberty of the attestor, so that a man who is given away with his land and heirs in one charter may be shown by another to have been a freeman after all. The familiar *tenendum* clause of the thirteenth century was derived 'from the formal words in which the kings of the eleventh and twelfth centuries enjoined the observance of their writs'. Mr. Stenton shows also how thought developed on the problem of land held in free alms, how old symbolism survived—the symbolism which was more important than the document which recorded the act of gift or transfer—and how old phrases may suddenly be revived to interrupt the orderly development of common form. He is able to lay down some tentative criteria, more reliable than palaeographical tests, for the dating of charters. Thus, any private charter which opens with a specific greeting may at once be provisionally assigned to the twelfth century; the assertion of the heir's consent is rarely introduced after the first years of the thirteenth century; the terms in which a parcel of land is defined will often determine the date of a charter; a charter which records the grant of a tenant's homage and chattels is earlier than the middle of the thirteenth century; the word 'alms' might be used of land in the twelfth century in an untechnical sense, but never a hundred years later; a clause of warranty first becomes a normal feature in charters to the religious; in the middle of the twelfth century there was little difference in style between the writ of a king and the charter of one of his greater tenants, but a century later legal phraseology was enforced, and 'if a symbol or initial is substituted for the grantor's name, it will generally be impossible to guess his rank'. Under Mr. Stenton's care the stoniest ground becomes fruitful.

F. M. POWICKE.

primo anno regni regis Henrici secundi. Et ut inposterum memorie futurorum hec commendentur ne per oblivionem vel negligenciam venire contra ius prefatorum canonicorum vel monialium de Cattheley quis valeat hec sigillo nostro curauimus corroborare ad laudem domini Ihesu Christi et pro prosperitate itineris nostre iam deo propicio inchoati' (Catley, no. 2; p. 74). I do not know why Mr. Stenton describes Thomas Bardolf as seneschal of Normandy (p. xiv); William fitz Ralf was seneschal in 1184 (Stapleton, *Magni Rotuli Scaccarii Normannie*, i. 123) and held the office for many years. The Pipe Rolls of this time show that *Hugh* Bardolf was a seneschal (*dapifer*) of Henry II.

*Statutes and their Interpretation in the First Half of the Fourteenth Century.*

By T. F. T. PLUCKNETT. Cambridge Studies in English Legal History.

Edited by H. D. HAZELTINE. (Cambridge : University Press, 1922.)

MR. PLUCKNETT's book is an excellent example of the good work which a research student can do, even with printed authorities, when he is wise enough to select a carefully limited subject and to pursue it sedulously in a restricted field of sources. His problem is the interpretation of statutes by the courts between 20 Edward I and 20 Edward III. His evidence is that afforded by the modern printed editions of the *Year Books*, issued in the Rolls Series and by the Selden Society, which cover that period. Of that problem, and with that material, he has made a thorough and almost exhaustive study, and has produced results which are not only of very great importance to the historian of English law, but also throw a new light upon not a few questions of constitutional and administrative importance. These latter results are the more welcome since they are the accidental results of an investigation undertaken by a scholar whose chief interest is in legal history. Yet all through the book there are weighty *obiter dicta*, each of which might well form the starting-point of a useful piece of research.

Mr. Plucknett divides his thesis into two parts. In the first he discourses, somewhat briefly, on 'legislation and legal thought in the early fourteenth century'. In the second he puts together, with great clearness and method, from the *Year Books* a remarkable series of examples of the interpretation of law by the judges. When Edward I's legislation was still a living memory, great judges, like Hengham, could interpret the statutes of the reign from personal knowledge. Thus when dealing with the Statute of Westminster II, Hengham could impose silence on a pleader by saying, 'Do not gloss the statute, for we know better than you; we made it'. The next generation only had such knowledge through professional tradition. By Edward III's time the intention of the law-maker could only be inferred by the study of the statute itself. The definition of what was, and what was not, statute law took place in the reign of Edward III. The earlier judges had given themselves the greatest liberties in interpreting statutes. On occasion they could refuse to apply them, and one judge declared from the bench that there were some statutes which even the maker would not wish put into effect. Yet, as time went on, interpretation became stricter, and it is of some significance that this period begins in those years of constitutional crisis, 1340, 1341.

There still remained other problems, such as the conflict of statutes with charters, with the common law, and with each other. There still continued men's natural ignorance of statutes, which made the current doctrine that every man is bound to know what is done in parliament a counsel of perfection, even for judges of the two benches. Consequently the judges continued to make law, as was notably the case, when, despite the words of the statute, the courts agreed to give retrospective effect to the statute *De Donis Conditionalibus*. There was still an immense difficulty in deciding the relation of statutes to the common law, a difficulty slowly diminishing as many cherished customs of the courts received statutable authority. Of exceptional importance was the much-debated problem

of the conflicts between royal prerogative and statute law. Here we find that the judges, though carefully avoiding theorizing about the prerogative, had little scruple in the setting aside or evading the royal writs which upon occasion sought to override both law and custom. By the end of Mr. Plucknett's period the separation between the judicature and the legislature had become complete. The overwhelming mass of new legislation was now normally the result of parliamentary action. The traditions of the courts were becoming so far stiffened that the need of some equitable authority outside the common law courts was beginning to make itself felt. All these results are of the greatest importance, and it is much to be desired, as Professor Hazeltine suggests, that Mr. Plucknett, or some equally equipped scholar, should supplement this work by following up his problem for the period preceding and for the period succeeding the limits of this most interesting and successful study.

It remains to deal with the more general constitutional and administrative problems suggested by Mr. Plucknett at all stages of his work, but especially in the first part of his treatise. The conclusions which he has come to are for the most part eminently sound, and he cannot be blamed because, having other business in hand, he has not felt it his duty to elaborate them. Let us take, for instance, the fundamental problem of the nature of Edwardian legislation. Most scholars will cordially agree with Mr. Plucknett in repudiating the ancient doctrine of Coke, revived in a different form by Professor McIlwain, that there was in this period any fundamental distinction between a 'statute' and an 'ordinance'. Legislation by the council of magnates and that by parliaments of the 'three estates' were equally valid as law. As an additional illustration of Mr. Plucknett's doctrine may be quoted that fact that two mere 'household ordinances', made by Edward I with the council that happened to be with him, were universally called the 'Statute of St. Albans' and the 'Statute of Woodstock'. The most important of these, the Statute of St. Albans, was so far from having the permanency ascribed to statutes, that it became inoperative by the early part of the reign of Edward II. At the other end of the scale the administrative measures to enforce the rates of wages before the Black Death were much more based upon the so-called 'Ordinance of Labourers' than on the subsequent 'Statute of Labourers'. At this very period in 1348, Edward III could still appease the petitioning commons by promising to legislate by the advice of 'les grantz et les sages de son conseil',<sup>1</sup> that is in later phrase by ordinance rather than by statute. By this time, however, the normal statute was assuming its modern shape of an act of a full parliament. The same process of definition, which had separated the judges from the legislature, was beginning also to separate the council from the parliament. When statute law became something definite, the problem of its interpretation fell more and more exclusively upon the judiciary, which had become to a large extent differentiated from the court and council. The judicious summary of conclusions, with which Mr. Plucknett ends his book, shows us both how far this process had gone by the end of his period, and what were to be the consequences of its further development.

<sup>1</sup> See the passage from *Rot. Parl.* quoted in Plucknett, p. 192.

A book on legal history is nothing if it is not precise and accurate. Mr. Plucknett's work leaves nothing to be desired in these respects. An examination of a large number of his references leaves a conviction that he can be thoroughly trusted in his citations. The very few instances to the contrary which I have collected are only the exceptions which prove the rule. On p. 80 Mr. Plucknett's reference to Fleta is not to 'section 8', but section 1 of Lib. II, c. 55. Moreover Fleta does not limit the application of certain chapters of the Statute of Gloucester to London and other 'privileged boroughs'. His words are 'burgorum et villarum privilegatarum', and 'privileged townships' cover a wide field. On p. 121 the dictum of Stonor on the contrast between law and equity belongs not to 1342, but to 1343. On p. 122 'Hereford' ('earl of Gloucester and Hereford') is, of course, a slip for Hertford. On p. 125 the statement that a defendant in 1341 could not get access to the rolls of the court 'because the judge had taken them to Wales with him' is not precise. The judge in question, Sharshill, was at the moment in prison at Caerphilly,<sup>1</sup> but the entry in the *Year Books* shows us that the record in question was in the exchequer.<sup>2</sup> It is most unlikely that the unlucky justice should have been allowed to take the records of his courts with him to his Welsh prison.

Mr. Plucknett is not only accurate himself, but has done useful work in correcting the inaccuracy of others. Once more he exposes the monstrous errors of the time-hallowed English versions of Statutes, published in the *Statutes of the Realm*. He gives, moreover, deeper reasons than their badness in this respect for a new critical edition of the fourteenth-century laws. He must not, however, rely too much upon the earliest 'Statute Roll' as embodying an authentic text, for this enrolment is apparently an afterthought and does not take us further back than the latter part of the reign of Edward III. It does not, therefore, contain 'originals' of statutes, even to the limited extent in which the Patent Rolls contain 'originals' of patents. Original statutes, or their early equivalent, can only be sought in the sealed copies which, from the days of Magna Carta at least, were preserved in official custody, or sent throughout the country, as the means of making widely known new enactments. When a statute was produced in a court, we know it was sometimes authenticated by a seal, and I am inclined to believe that there is no original law which is not thus authenticated. Of course, very few of them have now survived. Failing these, the official contemporary versions enrolled in the Chancery Rolls are, when they exist, the best source to go to.

Mr. Plucknett has done useful service in pointing out some curious mistranslations in the Selden Society's editions of the *Year Books*. Even Maitland was not absolutely impeccable (pp. 73 and 97), though our respect for Maitland's memory must make us protest against Mr. Plucknett's suggestion that the French of the *Year Books* had, so early as his period, become 'less a language than a cypher for embodying legal learning'. Some of Maitland's successors have done strange things, the most strange of which, as Mr. Plucknett points out (p. 140), is a translation of *de sutz*

<sup>1</sup> *French Chronicle of London*, p. 85.

<sup>2</sup> *Year Book, 15 Edward III*, p. 387. The entry seems to suggest that the record had only been inaccessible because it was vacation time and the courts were closed.

*la targe* as 'to the delaying of justice'.<sup>1</sup> Mr. Plucknett in his own sphere never does things like this. But his wonder on p. 27 why some of the spoils of the 'disendowed' Templars were not restored to them ('not restoring it to the Templars, be it noted') suggests he is not clear that the order of the Temple had been absolutely abolished by Clement V and could not therefore get anything back.

Mr. Plucknett has enriched his book with admirable tables and index, and printed two very useful appendixes containing select texts of statutes and cases from the *Year Books*. Dr. Hazeltine, the editor of what promises to be a most valuable series, has prefixed to this book an interesting preface, though, like Mr. Plucknett, he tends rather to overstress the dangerous modern doctrine that the 'judicial element in the early parliament is by far its most important element'.

T. F. Tout.

*Histoire de Rome de 1354 à 1471.* Par E. RODOCANACHI. (Paris: Picard, 1922.)

*Le Concile Gallican de Pise-Milan. Documents Florentins, 1510-1512.* Publiés par A. RENAUDET. (Paris: Champion, 1922.)

BOTH these volumes are concerned with the history of a unique institution, the papal monarchy of the Renaissance. Dr. Rodocanachi traces the development of the papal power in Rome from the death of Rienzi, when the papacy of the 'Captivity' had all but lost its hold upon Italy, to the death of Paul II, when Rome had become the capital of the most influential, if not the most powerful among Italian states, and the centre of Renaissance art and learning. The collection of documents edited by Professor Renaudet deals with an episode in the pontificate of Julius II, when the papal monarchy at the height of its power challenged the French invaders in the name of Italian independence, and the French party strove, very ineffectually, to retaliate by fanning the dying embers of the conciliar movement.

Dr. Rodocanachi's *Histoire de Rome* carries on the work which he began in 1888 with the publication of a monograph on Cola di Rienzo, and he brings to it much valuable material from his more recent studies on *Les Corporations Ouvrières de Rome* and *Les Institutions Communales de Rome*. The present volume throws fresh light on the elusive period which preceded the revival of the papal monarchy after the ending of the Great Schism. During the fourteenth century, if ever, Roman republicanism had its opportunity, and the feverish energy with which constitutional reforms were pressed shows the desire of the Roman people to seize the favourable moment. Yet during these years a few days without fighting in Rome caused general astonishment, and the price of grain rose until wheat was sold at eighteen florins a bushel. Herein lies the failure of republicanism, and the ruin of the ambitions of the Roman people to become once more lords of the world. A steady evolution in the direction of monarchy had, in fact, begun many years before the return of Martin V to Rome. Boniface IX has been called the first tyrant of the city, and the alternative to papal autocracy was not a republic but the rule of a soldier of fortune,

<sup>1</sup> *Eyre of Kent*, i. 176.

such as Braccio, or of a neighbouring monarch, such as Ladislas of Naples. In his later chapters Dr. Rodocanachi examines the bases on which the restored Italianized papacy of the fifteenth century was founded. The efforts of each successive pope to enrich the artistic beauty of Rome and to make it a worthy capital of the new monarchy are well brought out. There is also an interesting section on the papal finances, with tables of the loans furnished to the apostolic camera in certain years. An intimation to the captain of the papal guard in 1462 that his salary of 500 florins cannot be paid because 'the camera is completely exhausted' forms one among many illustrations of the precarious financial position in which the popes of the period found themselves.

In relating the adventures of Pius II before his elevation to the papacy, Dr. Rodocanachi writes: 'sa curiosité le poussa en Écosse et aux Orcades' (p. 357). According to Pius II's own account, however, and to that of his biographer Campano, he was sent to Scotland from the Congress of Arras by Cardinal Albergata, on a mission to King James I; his only mention of the Orkneys is to say that he had hoped to see the miraculous barnacle tree in Scotland, but that on inquiry he learned 'that the marvel had fled still further and must be sought in the isles of Orkney'.<sup>1</sup> It may also be noted that the authorities cited in the bibliography as 'Gobellini G. *Pii II Commentarii*. Rome. 1584', and 'Piccolomini, Aeneas Sylvius (Pie II) *Commentarii*. Frankfort. 1614', are different editions of the same work, the Commentaries of Pius II, published in both editions in the name of the copyist Gobellinus.

As an ecclesiastical synod the Council of Pisa is of little importance. It achieved nothing beyond preliminaries, and the reaffirmation of conciliar principles as enunciated at the councils of Constance and Basel. Its withdrawal to Milan after three sessions branded it as no true council of the church, but as a partisan assembly engineered by the French king and a few malcontent cardinals. As a factor in Italian politics, however, it is by no means negligible. It shows the papacy not only victorious over the conciliar movement, but acting as the arbiter of Italian destinies. It marks the increasing weakness of the French power in Italy, and, in Florentine history, the swing of the pendulum from republicanism and the French alliance to the government and policy of Medici. This being so, the contents of the Florentine archives are of the highest importance with regard to the history of the council. Florence throughout was on the horns of a dilemma. To refuse to allow the council to be held within her territories was to alienate the French ally to whom she had clung through good and ill since 1494. Yet the first rumour of the council excited the ire of Julius II against the Florentines, causing the pope to exhort Cardinal Giovanni dei Medici 'not to be willing to remain permanently in exile', and to threaten the Florentine merchants in Rome with seizure of their goods and hindrances to their trade in Romagna. The handling of this delicate situation lay for the most part with the committee known as the *dieci di guerra* or *di balia*, and the majority of the documents in Professor Renaudet's collection consist of instructions and reports which flowed unceasingly between the *dieci* and the Florentine

<sup>1</sup> Aeneas Silvius, 'Europa', cap. 46 (*Opera*, pp. 387-471).

representatives at the French court, in Rome, Milan, and Pisa. The policy of Florence was to take as small a share as possible in the proceedings at Pisa without offending the king of France. So when the cardinals pressed the Florentine *podestà* and *capitano* to attend the sessions of the council, they replied that the *capitano* was suffering from colic and that etiquette did not permit the *podestà* to be present without him. At the same time they wrote to the *dieci* saying that they hoped they had rightly interpreted the spirit of their instructions. Meanwhile the Florentine ambassadors at the French court and in Rome laboured to placate Louis XII and Julius II, but the difficulties of their task were such that in the course of the negotiations both wrote to the *dieci* pleading for their recall. On 14 November 1511 the *podestà* and *capitano* of Pisa reported that the last cardinal had departed and nothing more was left of the council 'che di tutto Iddio ne sia ringratiato'. Yet Florence had still to suffer from the aftermath of the Pisan assembly. Its ill success marked the failure of Louis XII in Italy, and the departure of the French brought with it the fall of the Florentine republic. The last document of the collection is a paper of instructions to two newly appointed envoys to Rome in October 1512. The Medici are now back in Florence, and the council of Pisa has become 'una materia horamai vecchia', about which all possible explanations have already been made; yet if the subject should arise, all that the envoys have to do is to lay the blame upon the shoulders of the late government.

A few of the documents included in this volume are to be found in Passerini's edition of Machiavelli's works—Machiavelli being secretary to the *dieci* throughout the period of the council—but the majority are now published for the first time. They are admirably edited by M. Renaudet, who adds full biographical notes on the various actors in the serio-comic drama of the council.

CECILIA M. ADY.

*The Treatise of Lorenzo Valla on the Donation of Constantine.* Text and translation into English by C. B. COLEMAN. (Newhaven: Yale University Press, 1922.)

DR. COLEMAN has based his text on Codex Vaticanus 5314, dated 7 December 1451, the treatise being fixed in 1440 by the allusions to the flight of Eugenius IV from Rome 'sexto abhinc anno' (p. 174), and to the assassination of Vitelleschi (p. 162). He gives the first page of the manuscript in facsimile. In l. 22 'diceret' is quite plain, but the text gives 'dicerat'. This might, like 'beatro' (p. 12), be a misprint; but there are so many misspelt words, e.g. 'condiconem' (p. 48), 'divitas' (p. 50), 'permississe' (p. 60), 'imperialia' (p. 110), 'concenserunt' and 'concensisse' (p. 174), that one suspects the manuscript of being a bad one. Dr. Coleman professes to give the manuscript reading throughout, only altering the spelling and punctuation: but it would have been better to correct obvious blunders in the manuscript than to give, as he often does, the reading of other editors in a foot-note. Sometimes these foot-notes have gone astray; thus there is a note on the use of 'seu' (p. 91) where the text does not give it.

Dr. Coleman says : ' Preceding Valla's treatise I reprint, with a translation, the text of the Donation, as given, with the omission of long sections, in Gratian's *Decretum* . . . , which was the form Valla used and on which he based his criticism. I take it from A. Friedberg's edition of the *Corpus Iuris Canonici*.' This is difficult to understand, for there are at least 120 differences (not mentioning those of spelling) between the text prefixed and the quotations of it in Valla's treatise. Thus the former gives, ' et eius iudicio que que ad cultum Dei vel fidei Christianae stabilitatem procuranda fuerint disponantur ', rendered ' and according to his judgment everything which is provided for the service of God and for the stability of the faith of Christians is to be administered ' ; Valla gives ' et eius iudicio, quae ad cultum Dei et fidem Christianorum vel stabilitatem procurandam fuerint, disponantur ', rendered ' and according to his judgment everything which is to be provided for the service of God and for the faith or the stability of the Christians is to be administered '. There are such differences as ' banda ' (D), ' banna ' (V) ; ' excubitorum ' (D), ' concubitorum ' (V) (Zeumer is credited with ' excubiorum ' ! ) ; ' stratoris ' (D), ' dextratoris ' (V) ; ' manipulis ' (D), ' mappulis ' (V) ; ' indicto ' (D), ' indictu ' (V). This is surely unnecessarily baffling for ' college classes ', for whom Dr. Coleman tells us the treatise is useful in promoting respect for, and development in, critical scholarship. It would perhaps be difficult for a scholarly critic to establish the correct text of the document which emerged from the papal chancery probably during the pontificate of Paul I, but certainly Dr. Coleman has not done so. If he was bound to print a text differing from the quotations of Valla, he should have given more copious foot-notes.

The translation of Valla's Latin is quite clear in sense and often vigorous in style, disfigured by some odd expressions, e.g. ' when you fare far forth ' ( ' te longe agente ' ), ' chided ', ' pudgy ', ' overly ', ' called for a Curtius ' ( ' appellatus a Curtio ' ), ' hedged in throughout Italy, with a few retainers ' ( ' per Italiam paucis stipatoribus saeptum ' ). But it needs a thorough revision, for there are positive mistakes or inaccuracies on almost every page. Only a few illustrations can be given. Thus on p. 87 ' Et ut scias quantum senatus valeat auctoritas, ne (Christus) pro deo coleretur, obtinuit ' is translated ' And to show how weighty was the authority of the Senate, Jesus did not obtain divine worship '. The common Latin expression ' quid, quod . . . ? ' is printed ' Quid ! Quod . . . ' and rendered differently on three successive pages, ' What ! How do you . . . ? ' ' What now ! Why do you . . . ? ' and ' How is it that . . . ? ' Horace means ' discards ' by ' proicit ' in *A. P.* 97, but Valla quotes it in the opposite sense. ' Cinyphio poterit planta latere sinu ' is rendered ' Would that the sole in the gulf of the Cinyps might lie '. ' Si qua mihi fides est ' is rendered ' if I believe anything ' ; of course it means ' if I may be believed at all '. ' Adoptare non emere ' is rendered ' To adopt them, not cast them out '. ' For prudence ' sake ' is not satisfactory for ' pro tua prudentia '. ' Sed non id in causa fuit ' does not mean ' that did not enter into the case '.

Enough perhaps has been said to show that in its present form it is not a piece of work which does credit to a university press ; and we hope

that the fact that it is 'published in the British Empire by Humphrey Milford, Oxford University Press', will not lead any one to suppose that it would have been printed by the Clarendon Press at Oxford.

G. C. RICHARDS.

*Calendar of Entries in the Papal Registers relating to Great Britain and Ireland. Papal Letters, Vol. xi, 1455-1464. By J. A. TWEMLOW. (London: Stationery Office, 1921.)*

MR. TWEMLOW has many occasions to correct errors in his predecessor Theiner, but it would be difficult for any one, except perhaps a Celtic specialist, to suggest corrections in his admirable work. But on p. 336 'Schenes' should evidently be 'Scheves'; Herkless and Hannay have a note on this official of St. Andrews. The transactions recorded in the present volume are of the usual type, though perhaps deterioration is advancing. The number of dispensations for plurality is very great, and often the favour is granted to regulars of whom it is not recorded that they were papal chaplains. Had they held that office, the grant of which is rarely mentioned, they would not have needed to ask, and to pay, for the privilege. The most liberal dispensation is to John Faukes, a master in Chancery and clerk of Parliament, who is empowered to hold the rectories of St. Clement, Hastings and St. Bride, London (the latter was not appropriated to its patron, Westminster Abbey, till forty years later) and also the deanery of Windsor and canonries of Lincoln, Chichester, and Lichfield. The youngest beneficiaries are a nephew of Archbishop Bouchier, in his ninth year, who may hold one benefice and two canonries, and a son of Lord Dynham, in his tenth year, who may hold two benefices, even if they be major dignities in a cathedral. It is stated that the latter boy is studying at Oxford. Graver scandals are limited to Scotland and to Ireland, if the general practice of a quasi-marriage even among regulars is not to be regarded as condoned by such provisions as that by which Pius II in 1464 conferred the abbey of Kilcooly in Ossory on the son of the late abbot, having lately dispensed him, as the son of a professed Cistercian monk and an unmarried woman, to receive holy orders. There are many complaints that ecclesiastics are unable to enjoy their benefices through Irish disorders, and, as usual, there are Irish bishops acting as assistants to English, and holding English preferments. Nor is it clear that they were Irishmen; there is a curious case of an Irish see, Mayo or Tuam, being described by a papal clerk as *in partibus* when it was conferred on a German who was to be suffragan of Worms. The connexion of some of these English absentees with Ireland may have been equally nominal. This was certainly the case with the prior of Brinkburn, provided to Clonmacnoise in 1458, who is allowed to retain his priory and accept other English preferment on the ground that he has not obtained possession of his see and is not likely to do so. We may assume that he was to be assistant to Durham. Amid the confusion of Ireland it is remarkable that observant Franciscans were at work there in 1460. They are commonly said not to have reached England till the reign of Henry VII.

For England there are important documents concerning the founda-

tion of King's College at Cambridge and Magdalen at Oxford, of Eton, with its temporary annexation by Edward IV to St. George's, Windsor, and of St. Salvator's College at St. Andrews. There is also a long agreement between the Austin canons of St. Bartholomew's, London, and their neighbours of the Hospital. Of persons noticed the most interesting are Bishop Pecocke and Archdeacon Bermingham of Oxford, of whom so much evil is recorded in the *Liber Veritatum*. He is excused for life from holding his visitations on the plea of 'very weak health'. He was probably insane. Only one English heretic is mentioned, a Wiltshire man among whose offences is the assertion that lambs born after St. Mark's day are not tithable. Privileges are granted to churches at Liverpool and Mottisfont which are profiting by the concourse due to recent miracles. The Westminster and London sanctuaries are to be more strictly controlled. Appropriations to religious houses are few, but Spalding Priory (Benedictine), which is already in possession of the rectory of that town, is allowed to suppress the vicarage, arranging for the cure of souls either by the monks or by hired secular priests. In Scotland, where the vicarage system was less securely established than in England, there are grievous complaints by the bishop of Aberdeen against Arbroath Abbey, which supplies no ministrations in the large area from which it draws tithe. Of personal grants the strangest one is made to the bishop of Salisbury. He wishes for better music in his private chapel, and is permitted to engage four priests secular or regular, even mendicant friars, whose attendance in the chapel is to excuse them from residence in any benefice they may hold. And there is a curious indult to the monks, fifty in number, of Durham, who have a custom of living on pancakes and sausages from Septuagesima to Quinquagesima. This diet, and the narrowness of their precinct which does not allow them sufficient exercise, reduces them to such ill health that they cannot perform their religious duties. Calixtus III abolishes this custom, and allows them to share the meals with which it is their laudable habit to regale layfolk. But this must not be in the refectory. Evidently the guest hall is to serve the purpose of the Cistercian misericord.

E. W. WATSON.

*English Government Finance, 1485-1558.* By FREDERICK C. DIETZ. (University of Illinois Studies in the Social Sciences, vol. ix, no. 3. Urbana : University of Illinois, 1920.)

THE subject upon which Professor Dietz has worked is one of the most neglected of Tudor studies. And yet its importance is undoubted. National finance is inseparable from the foreign policy of Wolsey and Henry VIII; and the charge of short-sighted parsimony often made against Elizabeth cannot be proved without the evidence of her treasury. Henry VII's financial ability is a tradition, but a tradition to which historical research has a greater tribute to pay than Bacon. And whilst we know well enough how the Tudor monarchy extended its powers, we know only in part how it adapted a medieval system of finance to the needs of a modern government. Hitherto we have had to rely mainly upon Dowell. Three chapters in his book are devoted to the Tudor period, but by laying stress chiefly

upon parliamentary taxation he ruins the perspective of an age which still thought that a king should normally live of his own. The value of a book upon government finance depends indeed upon the author's approach to his subject: it may either be administrative, or else mainly or entirely statistical. That the latter approach is inadequate few will deny after the publication of Professor Tout's recent work on medieval administration: and Dowell's chapters are vitiated by it.

There were in fact as important changes in financial administration during the Tudor period as in any other department of government. How far Henry VII's system was novel is best left to be said after the work of his predecessors has been explored; but he despised the clumsy methods of the exchequer and turned his revenue increasingly into the chamber, which became his principal treasury of receipt. From 4 July 1487 to Michaelmas 1489 the chamber receipts were £36,590; from Michaelmas 1489 to Michaelmas 1495, £126,346 (not £12,646 as Professor Newton stated some years ago)<sup>1</sup>; and they continued to increase. The expensive tastes and foreign policy of Henry VIII necessitated an extension of the revenues, and this the ecclesiastical revolution provided. New financial courts, the court of first-fruits and tenths and the court of augmentations, were instituted to cope with the new revenues; and with the exchequer, chamber, mint, and court of wards, they resulted in a complication of treasuries which had ultimately to be simplified. It was in Mary's reign that the reform was carried out through the efforts of Sir William Paulet, marquis of Winchester: the courts of first-fruits and tenths and augmentations were merged into the exchequer, and the exchequer took over the new and simpler methods of accounting used in the dissolved courts.

It is not therefore a captious criticism of Dr. Dietz's work to urge that he has paid too little attention to the administrative side of his subject. Two chapters provide an interesting survey of Henry VII's financial system, prompted no doubt by Professor Newton's pioneer article in this Review to which we have already referred. But except for a table of payments from 1509 to 1520 there is no account of the fortunes of the chamber administration after Henry VII's reign. One might assume that its history under Henry VII is a sufficient indication of its later history, were it not that a reference which Dr. Dietz gives, when followed up, tends to disprove this, and so to arouse the suspicion that his silence really obscures the chamber's later history. The reference is in a chapter on Cromwell's early administration where Dr. Dietz rather baldly remarks that in 1532 Cromwell 'began to act as a special treasurer for new revenues'. The authorities cited in support of this statement show that in 1532 and 1533 Cromwell was receiving and expending great sums of money as master of the jewels, evidently to the detriment of the chamber. The encroachment deserved more explicit mention.<sup>2</sup> Furthermore in 1543 Anthony Denny, described as keeper of the palace of Westminster, received £122,127,<sup>3</sup> and one is curious about the administrative significance of this. Of the administrative

<sup>1</sup> *Ante*, xxxii. 364.

<sup>2</sup> See *Letters and Papers, Henry VIII*, v. 1639, vi. 228; *Public Record Office Lists and Indexes*, xxv. 257.

<sup>3</sup> *Letters and Papers, Henry VIII*, xvii. 267.

reforms under Mary, Dr. Dietz justly says that they were not in keeping with the general sterility of the reign: but they demand more than the few words which he gives them, and their creator, Winchester, could not have escaped notice had they been thoroughly studied. Dr. Dietz, one feels, should not have abandoned Dr. Newton's methods where the latter's article stopped: and we would gladly have seen the long discussion upon the dissolution of the monasteries shortened to provide room for more essential studies.

But Dr. Dietz's book should not be judged solely by this criticism. There is much valuable work in it from which the history of the period will benefit; and even though it will one day be supplanted by a maturer study it represents a considerable advance upon anything that we now possess. Many of the figures quoted are interesting, such as those which show the financial burden of Henry VIII's wars. From 1509 to 1511 the chamber payments contain charges averaging £1,500 per annum for military and naval expenses: in 1512 they rose to £181,468, and in 1513 to £632,322. The cost of the last war with France and Scotland in his reign, including preparatory fortifications, was £2,134,784; and whilst councillors estimated that the campaign of 1544 in France would cost £250,000, it actually cost nearly £650,000. Warfare was becoming too expensive for the financial system of the times. The negotiating of loans in Flanders was not always easy, nor the terms reasonable: the details are well worth reading. Debasement of the coinage purchased some relief and the mint yielded £900,000 in profit between May 1544 and January 1551.

We have tested some of Dr. Dietz's figures. In the chamber receipts on p. 82, £12,942 should be £18,681; the next figure, £8,164, should be £8,664; and we differ slightly in our additions for two later figures. The number of misprints that we have noticed, too numerous to quote, suggests a lack of care dangerous in one dealing with figures. The index is quite unworthy of the book.

J. E. NEALE.

*British Diplomatic Instructions, 1689-1789.* Vol. i. *Sweden, 1689-1727.*

Edited for the Royal Historical Society by J. F. CHANCE. (London, 1922.)

THE preface to this work, which is the first of a series, states the design of the Royal Historical Society to produce a British Series similar to the famous *Recueil des Instructions données aux Ambassadeurs et Ministres de France (1648-1789)*. This clearly is a most important enterprise and one which no British historian can view with indifference or mutual sympathy. For the Royal Historical Society is attempting without government aid what French historians have only done with state assistance. Perhaps the best way of commenting upon the design of the series is to examine the plan of this volume in some detail.

It is safe to say that no man in England, or perhaps in Europe, is more competent to edit this volume than Mr. Chance. For he has long made a special study in the Record Office and British Museum of Baltic policy in the years 1689-1727. None the less, however admirable the editor, the actual materials are not really comparable to those of the *Recueil*. From

the point of view of selection the method there was simple and the point of view narrowed in a comprehensible way. Each ambassador on proceeding to his post received from the French foreign minister a reasoned *aperçu* of the events, tendencies, and policies during the period of his predecessor, frequently also a review of past history for a long period accompanied with broad generalizations and reflexions. Thus we have in the French *Recueil*, in the case of a particular country, a series of vignettes and thumbnail sketches of foreign policy of surpassing interest. The only objection is that these vignettes occur at irregular intervals on the death or removal of an ambassador. Their supreme merit is that they are state papers, freed from all dross of detail, and giving a sketch of general tendencies based on the objective facts as they appeared to the French foreign minister of the moment. They are different not only in degree but in kind, not only in fact but in intention, from the ordinary run of diplomatic dispatches.

Unfortunately Mr. Chance, for all his industry, cannot dig up similar materials from the British Museum and Record Office, for such materials did not exist in England, at any rate in the early eighteenth century. He has evidently done all that is possible, but English foreign ministers in the eighteenth century did not always know history and seldom wished to generalize about tendencies. When they did wish to do so they put their generalizations in pamphlets or historical works and not in their instructions or dispatches. As the preface very candidly says (pp. v, vi) :

The other instructions (i.e. other than formal) . . . are much more enlightening, but all are necessarily concerned with the conditions of the moment. Circumstances changing, it not infrequently happened that the main attention of an envoy was directed to matters not mentioned in his instructions at all. Instances of this in the present volume are the difficulties caused by the prohibition of trade with France in the time of William III and the negotiation for the accession of Sweden to the treaty of Hanover at the end of the reign of George I. To remedy the fault it has been decided to print a *selection* from the dispatches sent to envoys subsequently, dispatches which often are equivalent to instructions.

No words of mine could so well express the dangers and difficulties of the attempt. For these sentences show that the instructions are not instructions in the French sense, and the attempt to supply the defect by 'selection' from dispatches is one that involves all sorts of difficulties. The beauty of the French method is that one class of document alone is used, and that is one that is sufficient in itself. The danger of the selective method is that it is selective and not comprehensive.

Mr. Chance has done all that is possible with his authorities, but from the nature of the case his method cannot be as satisfactory as the French. Much that is new and instructive is given in the actual papers. But of the twenty odd instructions given, there are only two which strike us as sufficiently ample and comprehensive as even to approach the French model. These are Carteret's instructions (1719), pp. 106-12, and those to Poyntz (1724), pp. 171-82, and even these are too often concerned with petty detail. On the other hand, Mr. Chance's general introduction to the book is an admirable and succinct exposition of the diplomacy of the whole period, which supplies many of the gaps in the actual documents. It does more than 'paper over the cracks', in some cases it actually repairs the

breaches in the masonry. But the breaches are too wide to be repaired altogether.

Without desiring to seem ungracious one suggestion might be made, in all courtesy to the Royal Historical Society. It is reported that it is proposed to deal only with the period 1689–1789. The danger of the method pursued is that it will result merely in a system of selections from dispatches which tends to be somewhat arbitrary in character. That danger is increased by the inadequacy of the diplomatic instructions usually issued in the eighteenth century. It is very much easier to adopt this method in the nineteenth century and the results are more profitable. An example is supplied by Professor Webster's *British Diplomacy*. This admirable work contains selections from the dispatches and instructions of 1813–15, which supply all that is really needful to grasp the whole British policy in that period. The same method could be pursued with even greater advantage at a later date. Castlereagh's famous circular dispatches of 1820–1 together with the Polignac Memorandum of Canning (1823) sum up the policy of England and lay down principles for the future in a way that no eighteenth-century dispatches do or even attempt to do. Other examples in the same period could be quoted. Canning's instructions to Stratford Canning, 13 October 1825 (F.O. 78, Turkey 133), together with Strangford's accompanying dispatch exhibit our whole Oriental policy over a period of half a dozen years. Canning's instructions to Sir Charles Stuart in 1825 and the memorandum on a British alliance with Portugal in 1823 (F.O. 97, Supplementary 301) give a practically complete *aperçu* of our policy to Portugal and Brazil in the nineteenth century up to that date, together with fascinating glimpses of the history of the past. Similarly, Canning's instructions to Huskisson and Stratford Canning of 31 May 1824 (F.O. 5, America 191) give an historical survey of many of our most important negotiations with the United States. In each case only a few further illustrations from other dispatches and short introductions are needed to complete the story. It would not be difficult to add other examples from the dispatches of later foreign ministers, such as Palmerston or Aberdeen. Such documents are now accessible up to 1861, and the importance of bringing them to the knowledge of the public is so vital that it is hoped the Royal Historical Society will not stop at 1789. Probably the best results would be achieved if arrangements could be made to bring out volumes of the pre-1789 period alternately with volumes subsequent to that date.

HAROLD TEMPERLEY.

*Le Cardinal Melchior de Polignac (1661–1741).* Par PIERRE PAUL. (Paris : Plon, 1922.)

MELCHIOR DE POLIGNAC, the second son by a third wife of Louis Armand, vicomte de Polignac, played many parts in a long life of over eighty years. He was a man of the world endowed with distinguished manners and appearance and with supple convictions. His command of courtly compliment earned for him the favour of successive popes and of Louis XIV, Torcy, and Fleury, but excited biting sarcasms from Saint-Simon and other hostile critics. He prided himself on being a man of letters and

a liberal patron of the fine arts, and most contemporaries took him at his own valuation. He was admitted in 1704 to the French Academy as the successor of Bossuet, and in 1713 he obtained from Louis XIV the creation of the famous forty *fauteuils*. He was also an assiduous member of the other two academies, that of Science and that of *Inscriptions et Belles-Lettres*. His collection of paintings and statues was described by Voltaire as unique, and the greater part of it was purchased after his death by Frederick the Great to adorn his museum at Berlin. But Polignac was never more than an amateur in letters and in art. The contemporary artists whom he patronized were mediocre men. His literary friends were eminent, but his own productions were undistinguished. He occupied himself during his occasional periods of enforced retirement in writing and polishing his *Anti-Lucrèce*, a long Latin poem in which he attacked the philosophy of the Epicureans. This was his only literary work. Voltaire rather cruelly summarized its merits by the curt assertion that it was easier to write verses in Latin than in French. As a letter-writer, Polignac was in no way superior to the average French diplomatist of his time.

Like many younger sons in France, Polignac was educated for the church, and entered it without any apparent qualification or predilection for a clerical life. In his early manhood he received several minor preferments, and in 1713, just before the close of the Congress of Utrecht, he was raised to the cardinalate. His promotion had been long before urged, not only by Louis XIV, but also by the Old Pretender, and it was finally granted by Clement XI to appease the house of Bourbon for the reluctant adhesion of the papacy, under Austrian pressure, to the cause of the Archduke Charles and the Grand Alliance. Polignac's last preferment was to the bishopric of Auch in Gascony, which he held till his death, though he never visited it. In fact, the only occasion on which he paid even nominal attention to his ecclesiastical functions was when he was for a time sent into involuntary exile to one of his abbeys, and even then his primary interest was in literature. After his return from Poland in 1698 Louis XIV banished him for three years to Bonport. Later, after Louis's death, he incurred the displeasure of the Regent Orléans for his intimacy, to which scandal gave a darker hue, with the lively duchess of Maine, the 'queen of Sceaux', and he was again exiled in 1718 for supposed complicity in the Cellamare plot. Apart from these episodes his life was spent either at the French court or in foreign employments in the service of the state. He represented France in Poland from 1693 to 1698, at Geertruidenberg in 1710, at Utrecht in 1712, and in Rome from 1724 to 1732. He also held a minor office at Rome as auditor of the Rota from 1707 to 1709. During his residence in Rome he was brought into the famous ecclesiastical quarrel between the ultramontane party on the one hand and the twin forces of Jansenism and Gallicanism on the other, of which he must have become as weary as any modern reader can be. Like Gallio he cared for none of these things, and his only aim was to endeavour to find a formula which should induce the maximum of conciliation and avert any actual schism. Apart from these disputes about the acceptance of the bull *Unigenitus*, Polignac seems to

have had little real connexion with the domestic affairs of France. Yet he figures with some prominence in the memoirs of Saint-Simon, Dangeau, and other writers, and also in the scurrilous satires of which France was so prolific in the first quarter of the eighteenth century. From time to time rumour pointed to the possibility of his elevation to high office, and when he finally returned from Rome in 1732 he was regarded as a dangerous rival to his fellow cardinal and septuagenarian, Fleury. Nothing came of these rumours, and to the end his reputation rested rather upon what he might have done than upon what he actually did. Among the impediments to his elevation was his constant impecuniosity. Although his various preferments brought him in a considerable revenue, his expenditure was always in excess of his income. And his life was embittered by his inability to rid himself of an ever-increasing burden of debt.

The only really important episodes of Polignac's varied career were his three secular embassies to Warsaw, Geertruidenberg, and Utrecht, and of these the first was the only one in which he had the chance of showing individual capacity and initiative. He went to Poland in 1693 with two instructions. In the first place, he was to detach John Sobieski from his league with the emperor and Venice, and to adjust a separate peace between Poland and the Porte. This would enable Poland to resume her position with Turkey and Sweden in the triple line of client states which Richelieu had devised to act as a check upon the Austrian Habsburgs. As the eastern war, by diverting Austrian forces from efficient co-operation with the hostile coalition in the west, was invaluable to France, it was imperative that the conclusion of a separate treaty for Poland should not lead to a general pacification in the east. The second instruction was to watch over the election which must follow the expected death of Sobieski, and to secure that the choice of the Polish diet should fall upon a candidate who would lean to the French side in the affairs of Europe.

The first task seemed to be facilitated by the growing war-weariness in Poland, by Sobieski's original indebtedness to French support for his elevation to the throne, and by the fact that the king's wife was by birth a Frenchwoman. Marie d'Arquien had been previously alienated from France by Louis XIV's refusal to raise her father to a rank proportioned to his daughter's elevation, and the subsequent desertion of the Polish king to an alliance with Austria was generally attributed to this inconvenient scruple. This obstacle was removed from Polignac's way by Louis's offer to raise the marquis d'Arquien to the rank of duke and peer of France. It was, therefore, confidently expected that the French envoy, with the aid of the queen, would have little difficulty in detaching Poland from the anti-Turkish league. But Sobieski was attached to Austria by military loyalty and by the memory of his greatest achievement, the relief of Vienna in 1683. Poland, however, was a republic rather than a monarchical state, and a treaty might be made by the diet in spite of the opposition of the king. This was rendered impossible by the inability or unwillingness of the French government to furnish the funds necessary to buy a party among the Polish nobles. Nothing came of the negotiations, as the Polish demands were too large to be granted by the Turks, and at the time of Sobieski's death in 1696 the war still continued.

Polignac now set himself with redoubled energy to make up for his first failure by gaining a signal triumph in the new election. Ever since 1572, when Henry of Anjou had been chosen king of Poland, France had dreamed of the possibility of once more seeing a prince of the blood royal on the Polish throne. Polignac was sanguine enough to believe that the dream could at last be realized through his agency. What the Poles wanted was a brilliant fighting ruler who would lead them in the field as Sobieski had led them in his prime. Such a soldier king was to be found in the prince of Conti, who had fought with distinction by the side of the Poles in the campaign of 1684, and had since won new laurels at Steinkerke and Neerwinden. To Polignac he appeared to be an ideal candidate. It is true that his instructions were not encouraging. As James Sobieski, the eldest son of the late king, had quarrelled with his mother and was regarded as sold to Austria, Polignac was to co-operate with the queen in promoting the candidature of one of her younger sons or of her son-in-law the elector of Bavaria. In the last resort, and only if success was assured, was he to bring forward a French prince, the following being the order of preference, first the prince of Condé, then the duke of Bourbon, and thirdly the prince of Conti. In any case his demands for money were denounced as excessive, and his expenditure was to be narrowly limited. As a sign of mistrust a second envoy, the Abbé de Châteauneuf, was sent to supervise his conduct, and if necessary to supersede him. But Polignac, young and self-confident, refused to be discouraged. If France, on account of the western war, could ill spare money or troops to recover ascendancy in Poland, Austria, her secular rival, with two wars on her hands, was even more severely handicapped. And he believed that success would justify all his actions. Co-operation with the queen proved to be out of the question, as Marie d'Arquien was reconciled with her eldest son and devoted all her energies to his support. Moreover, she had become so unpopular in Poland that her advocacy would do more harm than good. So Polignac had no scruple in throwing his whole energies into the support of Conti's candidature. And he was actually successful. By pledging his own and his country's credit, and by promising that Conti would recover Kameniec from the Turks, he obtained a majority of votes that should have been decisive. The other obvious candidates had been successfully ousted. But at the last minute a new candidate had appeared of whom Polignac had hitherto heard nothing. This dark horse was Augustus II of Saxony, who appeared in Poland with money and troops, and with a seductive promise to restore the Roman Catholic church in the original cradle of Protestantism. Saxon payments were more attractive than French promises, a Saxon army was more convincing than a French fleet, and when Conti arrived at Danzig, he found that his promised kingdom was more than half lost. He had never been a very ardent candidate, and he sailed away without even landing on Polish soil. The unfortunate Polignac paid for his excess of zeal by receiving, on his return to France, a royal order to repair to the abbey of Bonport, of which he had been the nominal head since 1693.

Polignac had neither the chance nor the inclination to display again the independence which had cost him so dear. By diligent submissiveness he

regained the royal favour, and his diplomatic talents were again employed in 1710 and 1712. But both at Geertruidenberg and at Utrecht he was only the second envoy to the marshal d'Huxelles, and in both cases the French envoys were only the mouthpiece of Louis XIV and Torcy, who kept their representatives under rigid control. At Geertruidenberg the negotiations, which were conducted only with the Dutch envoys, never had a chance of success. The proposed preliminaries of 1709 had broken down because Louis XIV refused clause 37, which would have pledged him to use force to extort his grandson's abdication of the Spanish throne. After the merciless slaughter of Malplaquet it was thought that the allies might be willing to give to Philip V some compensation in Italy for the loss of Spain. But the Dutch, guided by their allies, would offer nothing that Philip would accept, and France was still to be called upon to be the active agent in compelling his assent. Louis would go no further than to offer a monthly subsidy to the allies to be used against Philip, and the negotiations were only prolonged from March to July because each party desired to throw upon the other the responsibility of breaking them off.

The negotiations at Utrecht were more successful because the downfall of the whigs had brought in an English ministry determined to end the war, and because the successes of Vendôme had convinced the allies that the expulsion of Philip V from Spain was not possible, while the accession of the Archduke Charles in Austria rendered it no longer desirable. The French envoys had now the inestimable advantage that the English Tories were prepared to abandon the traditions of William III in foreign politics, and of this advantage they made full use. But it is impossible, even for M. Paul, to contend that any personal credit for the comparatively favourable terms ultimately gained by France was due to Polignac. And, as a matter of fact, he did not even sign the treaty. The pope, with a curious scruple, refused to give him the cardinalate as long as he remained on heretical soil, and the French government recalled him in January 1713 in order that he might don his new robes without further delay. His career as a secular diplomatist was at an end.

M. Pierre Paul has told the story of Polignac's career with some natural exaggeration of the part played by his hero, and with a plentiful and painstaking attention to detail. He has carefully analysed the diplomatic correspondence of his various embassies and he has ransacked the contemporary literature of France for references to Polignac. The contents of his note-books have been carefully sorted and set forth in an orderly thesis. But it is doubtful whether the general reader, for whose benefit the author has suppressed detailed reference in distracting foot-notes to his manuscript authorities, will fully appreciate the significance of the narrative. Instead of being fitted into the general history of Europe, the story is told almost *in vacuo*, and with the very minimum of explanatory comment. We start in Poland with the closing years of Sobieski and the election of Augustus. That is part of the story. A few pages later we come to Stanislaus Leszczyński on the throne of Poland, but we are not told who he was or how he came there. We plunge into the minute details of the Geertruidenberg correspondence, but we have no clue provided as to what the war was about. Of course, if the reader

can supply all the clues, it may be unnecessary to provide them, but if there are readers who are frightened of foot-notes, they must often be left wondering what it is all about. This heroic abstention from divergence, and this assumption that the reader knows as much as the author does, run all through the book and are certainly carried to excess.

Thanks apparently to the piety of the Polignac family, the volume is published with some magnificence in the matter of paper and type, and most of the illustrations are excellent. It is a pity that the proofs were not more carefully corrected. There are far too many misprints and misplacements of type. The spelling of proper names, and especially of English proper names, is a familiar French weakness, but it is somewhat startling to find 'Whigs' uniformly presented as 'Wighs'.

RICHARD LODGE.

*La Constitution Civile du Clergé et la Crise Religieuse en Alsace (1790-1795).*  
Par RODOLPHE REUSS. Tome i (1790-2). (Strasbourg : Istra, 1922.)

M. REUSS, an honorary professor of the university of Strasbourg, is already well known for several books on the history of Alsace. While engaged thirty years ago on the study of the Revolution, he determined at some future date to show how the religious question complicated and embittered the revolutionary problem in the departments of the Rhine and thus led on to the Terror. The first volume of the promised work has now appeared. Judging from the fact that M. Reuss has published three books on the Protestant religion and institutions, it might be assumed that his sympathies are with the reformed church, but he has made good his claim to have treated his subject with 'the impartiality which is the first duty of a historian ; an endeavour which seemed to me the easier because I have always maintained, with complete conviction, that one of the greatest errors of the national assembly was the passing of the unfortunate Civil Constitution of the Clergy, which the great majority of the nation did not desire'. But M. Reuss continues : 'at the same time I have always deplored certain of the means to which the refractory church had recourse to paralyse and reduce to impotence laws voted by the public powers.' He does not, at any rate in this volume, suggest what measures he would approve, whereby the majority of the nation may oblige its representatives to withdraw legislation which it abhors, before constitutional methods of pressure have been evolved.

The Civil Constitution of the Clergy was designed to create a national church, with an elected hierarchy and a diocese for each department. Alsace would consequently have two dioceses, with the bishop's seat at Strasbourg for the Bas-Rhin and at Colmar for the Haut-Rhin. Throughout France this meant a readjustment of boundaries, but in Alsace the case was aggravated, for the boundaries of the dioceses of the ultramontane church did not even correspond with the frontiers of the kingdom. With a few unimportant exceptions, the province was in the dioceses of the prince-bishops of Strasbourg, Spire, and Bâle, all of them princes of the Holy Roman Empire, and only the first, the notorious Cardinal de Rohan, was a Frenchman. Over the bishops of Spire and Bâle the national assembly

could exercise no authority, nor when the bishop of Strasbourg refused to take the oath and withdrew to his territory on the other side of the Rhine, could it do more than ratify the election of the Abbé Brendel in his place. It was inevitable from the geographical position of the Rhenish departments, that the refractory church should become associated with the *émigrés* and the foreigner, particularly at Strasbourg, the only point at which the Rhine was bridged and where counter-revolutionary agents passed and repassed in clerical guise. At Strasbourg also, where not more than half of the population was catholic, the provision for the election of bishops and priests by all, irrespective of religion, was particularly shocking to the faithful. The non-catholic half, composed chiefly of Lutherans and Jews, does not appear at first to have taken advantage of these opportunities, which were equally distasteful to them. Indeed, down to 1792, when this volume closes, the adherents of the civil constitution showed considerable restraint under severe provocation and the civil authorities were either powerless or reluctant to enforce disciplinary measures against the non-juring clergy. M. Reuss intends to complete the history of the crisis down to 1795. It may be hoped that one more volume will suffice, for if a complaint can be made against this interesting and scholarly book, it is rather overburdened by the great length of some of the quotations from original authorities.

M. A. PICKFORD.

*Letters of the Earl of St. Vincent (1801-4).* Vol. i. Edited by D. B. SMITH. (London : Navy Records Society, 1922.)

THE letters of St. Vincent here printed cover less than a year of his administration at the admiralty ; but they deal with great events in the Baltic, the Mediterranean, and elsewhere, and illustrate his hopefulness and vigour. In view of the non-political character of his appointment, it was surely superfluous to fill many pages of the editorial introduction with a contentious commentary on the fall of Pitt and the accession to office of Addington. It would have been more apposite to discuss the competence of the members of the new board of admiralty, concerning which nothing is said. St. Vincent deemed them diligent and well-meaning, but he felt concern at the indiscipline in the fleet and the incompetence in the dockyards (pp. 378-80).

Pitt's attitude towards armed neutrals is censured in the introduction. But clearly he and Grenville wished to avoid a rupture ; witness the order to cruisers not to search for neutral convoys and Whitworth's successful settlement of the *Freya* dispute with Denmark. The Tsar Paul's conduct, on 29 August, in placing an embargo on British ships and putting the crews under arrest, justified precautionary measures both in the north and at Malta. On the Maltese problem the evidence contained in W. Hardman's *History of Malta (1789-1815)* should have been consulted. It proves, *inter alia*, that Russia and Naples sent only very slight help during the two years' siege of Valetta, the burden of which fell on the British and native Maltese ; also that the latter petitioned for British rule, and that General Vaubois surrendered Valetta solely to the British. It is further incorrect to describe the general war as one 'on behalf of

French monarchy' (p. 23), or the hostilities against the armed neutrals as 'largely of our own seeking' (p. 28).

Points of interest in the letters are St. Vincent's fear (chapter viii) that Nelson in the Baltic may be carried away by some sudden impulse; his warning to Parker (chapter xi) against a moment's unnecessary delay at Yarmouth; his congratulations (17 April) on the victory at Copenhagen; and his sudden resolve on 20-1 April to recall Parker. In this connexion the secret instructions of 15 March to Parker should have been printed here, so as to show whether he did materially depart from them in the terms of the armistice of 9 April. That explanation of his sudden recall seems untenable; but the question should be elucidated by citing the document.<sup>1</sup> Evidence of this kind, bearing closely on the text, is far more important than the political essays which form a large part of this volume. The letters themselves are too much cut down, and more notes are needed. The editor rightly asserts that those printed on pp. 124-40 prove St. Vincent's apprehensions as to the practicability of a French invasion. On the other hand, the letters in praise of the Preliminaries of London err strangely by excess. The first lord's way of repelling importunate claimants for his patronage is well illustrated in the later sections. On the subject of appointments and promotions in 1800-1, the editor's introductory note is excellent.

J. HOLLAND ROSE.

*Louis Napoleon and the Recovery of France: 1848-1856.* By the Rev. F. A. SIMPSON. (London: Longmans, 1923.)

THE present volume forms a continuation of *The Rise of Louis Napoleon*, published twelve years ago, and is a more substantial work than that issued last year by Mr. Guedalla.<sup>1</sup> No British and scarcely any French author has so carefully studied the original authorities for the adventurous career of Napoleon III as Mr. Simpson, and it is unfortunate that the French government has prevented his study from attaining finality by refusing 'examination of its diplomatic correspondence after 1848', that is, 'almost from the exact point at which this volume begins'. Nevertheless, free access to the British Foreign Office Papers for this period has enabled the author to disclose hitherto unknown facts, of which the most important are Louis Napoleon's proposal to Great Britain in 1849 for a reduction of navies—a singularly interesting suggestion in the light of contemporary history—and the desire of the Spanish government to intervene on the side of the allies in the Crimean war for the purpose of raising the international position of Spain. A perusal of the searching criticisms which the author appends to his exhaustive bibliography suffices to show the thoroughness of his researches. He may not perhaps be absolutely impartial, for he obviously admires his hero; but then the *lues Boswelliana* is the almost invariable concomitant of biography. To most critics to-day the founder of the Second Empire was neither so black as Kinglake and Victor Hugo depicted him nor so great a man as his supporters imagined him to be. Probably his most durable work was his share in the making of Italy, and that was marred by his 'policy of

<sup>1</sup> See Nicolas, iv. 294.

<sup>1</sup> See *ante*, xxvi. 404; xxxviii. 152.

*pourboire* ' and has failed to win for his country the gratitude of the modern Italians. Indeed, a realistic Italian nationalist has blamed him for helping to create a nation which was likely to become a rival of France. Mr. Simpson is, however, of opinion that ' the most fruitful act of the First Empire was the begetting of posthumous issue in the Second '.

Unlike most persons who write about French (and English) politics, he is not wholly absorbed with the capital and its views. He shows that the provinces imposed Louis Napoleon upon Paris, and that among the provincials he always counted his most devoted adherents. The most graphic part of the book is the description of the *coup d'état*, the utter indifference of the people of Paris, the unpopularity of the undemocratic and reactionary assembly, the aristocratic disdain of the upper classes who criticized, but would not soil their gloves by fighting against, ' the man of December '. Every journalist is familiar with the characteristically continental official system, adopted by Morny, that of sending off enthusiastic telegrams describing the reception of the *coup d'état* by the public before it had actually taken place. Similarly, in 1915, the writer read in an official Italian newspaper that the close of Sig. Salandra's statement in the chamber had been received with ' tumultuous applause ', and that ' many deputies had gone to shake his hand ' when he resumed his seat, at a time when he was still about half-way through his speech. So is official history written. Special interest attaches to Louis Napoleon's expressions of anti-Turkish opinion to Prince Albert (p. 364) immediately after the Crimean war. He cared nothing for ' the integrity of the Turkish Empire ' ; his object had been ' to check the growth of Russia ', not, like England, ' to maintain the dominions of Turkey '. Hence his friendly policy towards the Danubian principalities, whose legendary origin, by the way, dates from the time of Trajan, not ' of Diocletian ' (p. 365). But, as Professor Jorga has shown from the evidence of inscriptions, many of the so-called Roman legionaries who fought in Dacia were only Romans in the sense that Maltese or Indians are British.

The book is brilliantly written, and should appeal to the general reader no less than to the scholar. Some of the head-lines of the pages, e.g. ' If Winter comes ', are what is called ' journalese '. WILLIAM MILLER.

*Geschichte Europas seit den Verträgen von 1815 bis zum Frankfurter Frieden von 1871.* Von ALFRED STERN. Vol. viii. (Vol. ii of Part iii, 1848-1871.) (Stuttgart: Cotta, 1920.)

THE present notice of the eighth volume of Professor Stern's admirable, and in some respects unrivalled, European history appears rather late in the day. But it may perhaps help to account to some historical students for the interest with which many of us are looking forward to the concluding sections of the work as a whole, which will not, we trust, be long in making their appearance. The veteran historian's *magnum opus* is not only, from first to last, true to the spirit of Ranke's saying, to which he makes appeal in the preface to its seventh volume, that the proper task of the historical writer is ' to let things speak for themselves ' ; but he is fully awake to the necessity of exercising a direct control over the interpretation of events and

characters by the use of original sources where such are accessible. Thus the value of his work is not confined either to the comprehensiveness with which it conscientiously treats the political history of the chief European countries or groups of countries within a given period, or to the unity of conception which is beyond doubt not attainable without difficulty in analogous co-operative undertakings; while it is augmented by such an excursus—if excursus it really be—as that which, in the present volume, traces the relations between the chief currents of public life, in the ordinary sense of the term, and the most notable movements in the art and thought of the age under review. The chapter in question, while necessarily concise, cannot fairly be charged with the perfunctoriness frequently, and at times justly enough, imputed to surveys of the kind, and is rendered singularly attractive by the sympathetic interest which guides the author straight through a field of the utmost variety. In the midst of so many likenesses and contrasts, it would be ungenerous to weigh too closely the appropriateness or adequacy of every particular epithet or predicate—e.g. the description of *Middlemarch* as a ‘great work’, or the admission, which would hardly satisfy members of the Society bearing his name, that Robert Browning’s influence on other intellects was ‘not small’. On the other hand, the comparison between Tennyson and Geibel is certainly striking, and the well-elaborated contrast between Flaubert and his ‘maternal friend’ anticipates recent comments on their most interesting correspondence. When Dr. Stern finds his way to the historians of the period, and to German historians in particular, he is in every sense ‘on his own ground’, and his remarkably judicious criticism of Sybel, as well as his generous appreciation of Häusser—a writer who can never become obsolete—possesses intrinsic importance.

In the general narrative which forms the body of this volume, the choice of the thread (if the phrase may be used) best adapted for giving cohesion to its several successive parts cannot, to a political historian of Dr. Stern’s grasp and insight, have been as difficult as it may have proved in the case of other periods of similar length. For the present volume opens with an account of the beginnings of the second empire in France, showing how the policy of peace proclaimed by Napoleon III at the outset of the new régime succeeded in patently establishing his tenure of power, by reducing the old political parties to impotence, assuring tranquillity to agriculture and prosperity to commerce, and leaving no ground obviously open for a revolt against the existing order of things. And it ends with the advent to power in Prussia of the statesman who, by accomplishing the overthrow of the French empire, and putting an end to its ascendancy in European politics, was to achieve the ultimate purposes which he had set before him. The process by which the mighty revulsion was brought to pass could not fail in all its stages to exercise a controlling influence on the general course of European history during the decade covered by the scheme of this volume, and unmistakably, though not obtrusively, pervades the whole of it.

The settlement of the second empire had brought to France peace and prosperity; but, as Napoleon III was well aware, the nation under his rule, by temperament as well as by the force of the traditions directly

represented by him, required for the satisfaction of its instincts and aspirations something beyond what that rule had hitherto provided. It required, in a word, military glory, as indispensable to the stability of his throne and the foundation of his dynasty. The opportunity of securing this element was not long in presenting itself. The difficulty as to the Holy Places, which led to the revival of the Eastern Question after a long interval of quiescence, seemed to have come to an end in 1852 with Turkish concessions which the French government might regard as satisfactory enough to constitute a fair diplomatic success; but the opportunity had been used by Russia to press for an extension of the terms in favour of Greek Orthodoxy, and thus to indicate, for the first time, the ulterior designs of the Tsar Nicholas against Turkish autonomy. The British government, stimulated by Stratford, stood forward in support of the Porte, and Napoleon's order to his fleet, in June 1852, to anchor by the side of the British in Besika Bay<sup>1</sup> marks the beginning of the endeavour of the western powers to stay the progress of the aggressive policy of Nicholas. The conclusion of the alliance with Great Britain was the first step in the advance of France to decisive action in the Near East, and the catastrophe of Sinope (to which Dr. Stern, not very kindly, compares the bombardment of Copenhagen), followed by the return of Palmerston to power, consolidated western action into a great political enterprise, of which, as the leading military power, France could not but in the course of events take to herself the preponderant share, and consequently the larger proportion of credit. She likewise determined, against the wish of her partner, the date of the conclusion of the peace; and though the settlement reached at Paris could not be asserted to have laid the Near Eastern Question permanently to rest, France could place to her credit, and to that of her ally, the definitive destruction of the cohesion of the three Eastern powers, and the overthrow of the ascendancy of Russia in the European political world.

Before that ascendancy seemed likely to be followed by that of France herself, there were partly carried out, partly set on foot, a number of other changes in the political aspect of Europe which it behoved Dr. Stern to treat successively in the progress of his narrative. Russia was at home transformed by the emancipation of the serfs, which could not but affect her foreign policy by promoting the growth of nationalist—here known as Slavophil—sentiment. This energetic factor encouraged the tsar's government in its attitude of sympathy with tendencies openly favoured by the emperor of the French, besides asserting itself with long-repressed force in various parts of south-eastern Europe. The relations of the French government to the Turkish, in consequence, underwent changes which led to differences with the British, as in the case of the question of the union of the Danubian principalities; and the danger of conflict called for great vigilance if the alliance between the two Western powers was, as they alike still desired, to be maintained. But on these sections of Dr. Stern's narrative we cannot here specially dwell; nor can we more than refer to the chapter on 'Switzerland and the Neuchâtel Transaction'—fascinating because of a certain intimacy of treatment—which forms a

<sup>1</sup> 'Befehlun' on p. 44 is of course a misprint for 'befolgen'.

curious episode in the story of the unhappy Frederick William IV, and includes a strange moment in his personal relations with Napoleon III.

With 'The Antecedents of the Italian War' we perceive that we are approaching a crisis in the relations of France to the other European powers as well as to the Italian peninsula itself, which the close of the Franco-Italian operations, cut short as they were with an arbitrary suddenness more overwhelming than that of the opening of peace negotiations with Russia at the end of 1855, could not bring to a final solution. We know that Napoleon III's policy in the Italian question, for him beyond doubt more full of doubts and perplexities than any other in his whole period of rule, in the end proved fatal to it, precisely because, in its last resort, that policy was personal or dynastic; while the real inheritor of his European ascendancy, Bismarck, primarily intent upon the bearing of current events upon the policy of Austria, was afterwards heard to express his opinion that, if Italy did not exist, she would have to be invented. The aid of France in the assault upon the Austrian dominion in Italy was due in its immediate origin to the attempt of Orsini; and the prospect of it was first unmistakably announced to Cavour in the form of the (second) letter written by the Italian patriot when preparing for the doom incurred by him. (The manuscript of this letter, on whose authenticity doubt has been thrown, must still be in existence.<sup>1</sup>) Against its influence on the imperial mind neither the sincere pacific efforts of British ministers nor the apprehensions of French clericalism could prevail. Before the end of 1858, Hübner's fears were only tempered by a doubtful reliance on Walewski's desire for the maintenance of peace, and with New Year's Day 1859 all uncertainty was at an end.

The effect of Villafranca, notwithstanding that the signing of the preliminary peace constituted the most signal assertion of the dominant will of France yet witnessed by Europe in the course of the conflict, differed in the case of the different powers. It left Austria weaker, and relieved Prussia and the rest of Germany from the dangers of a duty which they could not ignore. It called forth the disapproval of British liberal statesmanship, whose support Napoleon had but recently solicited, and of the body of British public opinion; and it left to Italy herself the task of definitively settling the problem which, after the Peace of Zürich, the congress assembled there found itself incompetent to solve. Hereupon, Napoleon resorted to a modification of his policy, which now involved the resumption of transactions with Cavour, based henceforth on the acceptance of the union with Sardinia of her acquisitions in Central as well as those in Northern Italy, and on a compensatory cession to France of Savoy, the home of King Victor Emmanuel's dynasty, and Nice, the birthplace of the liberator Garibaldi.

It could not but be that this unholy compact—for no plebiscite could sanctify such a bargain—should again have been very diversely criticized by the other powers. The British government made no pretence of concealing its resentment of the action of France, which had shown itself so anxious for the redintegration of cordial relations with Great Britain. Austria acquiesced with cynical coldness, while Prussia signified her

<sup>1</sup> What has become of the Farnborough archives?

alarm as to the possible application of the doctrine of preventive frontiers to the left bank of the Rhine. Russia alone took occasion to announce her assent to the principle that any sovereign has the right of ceding any part of his territory to another. Only a single European state, as Dr. Stern reminds us, ventured on a formal protest. This was the Swiss Confederation, which appealed to Northern Savoy's share in the neutrality assured to Switzerland by treaty in 1815. But, beyond furnishing Russell with an additional argument in his contention with Persigny, the protest proved useless, and Cavour's final efforts to prevent the cession of Nice, which had been left an open question in the Franco-Sardinian secret treaty of alliance in December 1858, were rejected by Benedetti in an exhausting conversation. The decision had only to be completed by the plebiscite and the last stage of Napoleon's Italian policy had come to a close, to all appearance triumphantly, with an agreement which, nevertheless, bore in it the germs of future troubles. Of these the volume before us is only required to survey the beginnings.

The Austrian empire still stood, though its extent and its commanding influence had been alike reduced. But the long day of its centralized system of government was at an end, and was succeeded by a series of efforts to establish federalism in its place. Of these the first was only transitory; the second, in which the leading part was played by Schmerling, of whose programme Dr. Stern gives an excellent account, based in part upon the reports of Steiger, the Swiss diplomatic representative at Vienna, had the avowed sympathy of German Austria; but it lacked the goodwill of Hungary, and the support of the church was denied. At the end of 1862, Schmerling and his supporters were still hopeful; but the internal cohesion of the empire had ceased to be such as to guarantee the reconciliation of the contending elements, while its hold upon its remaining Italian province (Venetia) could only be retained on the ruinous condition of constant readiness for war. Meanwhile, Prussia had, from the beginning of the 'New Era' at the end of 1858, been more and more openly seeking to find her way to a constitutional régime indispensable to her assumption of the headship of Germany which she was preparing to dispute with Austria, and had used opportunities offered for the justification of such a process by the development of the Electoral Hesse and Schleswig-Holstein questions. Towards foreign great powers the Prussian government pursued a policy the reverse of provocative, and with France in particular, whose sovereign could not refuse sympathy to nationalist aspirations, she entered into close commercial relations, which called forth the jealousy of her German rival. Thus matters stood when the prospects of the advance of Prussia to the German hegemony were overcast by the conflict between King William I and his parliament on the military question, till he actually seemed ready to prefer abdication to the prosecution of the struggle to a final issue. The summons to Bismarck averted the carrying out of this intention; and the great statesman took the helm, through whom, after a short conjunction with Austria, Prussia challenged her to the decisive conflict, and gained a victory which, in Bismarck's own good time, was to prove to have been the prelude to the German victory over France.

It seemed better worth while to seek to indicate, so far as my limits allowed, the consecutiveness of political thought which is a characteristic of this volume, than to dwell on details of opinion or phraseology which a more minute criticism might emphasize or query. Of the general importance of the volume and the work of which it forms part to students of European history in a period only less momentous than that which its successor will occupy, there can be no doubt.

A. W. WARD.

*A Summary Catalogue of the Western Manuscripts in the Bodleian Library at Oxford.* By F. MADAN, and H. H. E. CRASTER, D.Litt. Vol. ii, Part i: *Collections received before 1660 and Miscellaneous Manuscripts acquired during the First Half of the Seventeenth Century.* (Oxford: Clarendon Press, 1922.)

THIS is a long-expected, most welcome, and most satisfactory volume. It gives us the first usable catalogue of a large section of the 'Bodley' manuscripts and part of 'Auctarium' which has appeared since 1697. This one fact shows the importance of the book to all who are concerned with manuscripts.

In view of the names which appear on the title-page it is superfluous to say that we have here a fine piece of work. The amount of labour it has entailed can best be appreciated by those who, like the present writer, have spent time on similar tasks, but any one can see that the multitudinous details about bindings (very carefully treated here), size, foliation, previous owners, and identification of contents, must have taken years to collect and register. The plan followed, which is set forth on p. xi, is excellent. Of course one would have been glad to have—in some cases—the number of lines in page or column, and, in the case of manuscripts earlier than 1500, or obviously of monastic provenance, the first words of the second leaf: but I am well aware of the difficulties which attend the process, and I do not forget that this is a summary catalogue. I am unreservedly thankful for what is given.

A few words as to the contents. The volume registers 3,490 articles and seven classes. The first five of these (Barocci, Roe, Cromwell, Laud, Digby) have been treated in the quarto series of catalogues, and only introductory remarks (specially interesting in the case of the Laudian collection), cross-references, and supplementary notes are given here. With no. 1840 the sixth class, Miscellaneous Manuscripts (Bodley and Auctarium), begins: it extends to no. 3133, and occupies pp. 78–593. The rest is devoted to Class VII, the Selden Manuscripts: in regard of which it is horrible to read that 'eight chests full of the registers of abbeys and other manuscripts relating to the history of England', collected by Selden, were destroyed in the great fire in the Temple in 1680.

The second part of this volume is to carry on the numeration to no. 8716, at which point it joins the third volume, already published. The first volume, in accordance with a change of plan, is to contain the historical introduction and comparative tables of shelf-marks.

The 'Miscellaneous Manuscripts', then, constitute the great interest of this volume. They are predominantly medieval and of English origin.

There are among them many very famous books, and also a vast number of volumes which exemplify the ordinary staple manners of writing and choice of reading in this country from the twelfth to the fifteenth century. Yet most of them are rather select books: they were not bought up in large masses: there is no overwhelming quantity of scholastic theology or Roman law or ordinary Bibles or shabby books of Hours: liturgical books, in fact, are few in this section. This therefore, as compared with some of the older college libraries both at Oxford and Cambridge, is a distinguished collection. It includes some remarkable 'parcels' of books. The principal gifts are duly set forth in the preface and need not all be enumerated here: but the two first in order of bulk merit a few words.

The largest is that from Exeter, made by the dean and chapter in 1602. It consists of over eighty books from the Cathedral Library. Sir Thomas Bodley's brother was a member of the chapter, and this fact accounts for the gift and for its size. It would be interesting to know what proportion of the books which then remained to them the chapter presented. In 1506, as we see from the inventory printed in Oliver's *Lives of the Bishops of Exeter*, there were at least twice as many as were given away: and hardly any now remain at Exeter. A reprint, by the way, of these inventories of 1327 and 1506, with identifications of extant books, would be very welcome.

The second largest gift, made in 1612, was of books from the Chapter Library at Windsor, presented by the dean and canons there. This is specially interesting as revealing the existence of a quite important collection of manuscripts of which very little is known. The Windsor books at Oxford number just about seventy. I am informed that there is no record relating to the gift in the Act Books of the chapter at Windsor: nor is there in the library there any catalogue anterior to 1612,<sup>1</sup> so that we know nothing of the size of the collection, or its history. The press-marks in the books themselves, however, show that it must have numbered some hundreds of volumes, whether manuscripts or printed, at the time when they were inserted. What has become of the rest? There are but one or two at Windsor: one may be in the old Royal collection: one has strayed to the Kederminster library at Langley. Did Voss, who was a canon of Windsor, absorb any into his collection? There does seem to be one at Leyden (Voss. L.F. 63) with the Windsor marks: there may be more.

Perhaps I may be allowed to put together here, by way of ending a review which I have written in a spirit of cordial gratitude and admiration, some miscellaneous points which I have noted in reading through the volumes.

In the case of 1899 Bodl. 135 and 1904 Bodl. 94 I was mistaken in assigning Canterbury as the provenance: both are Exeter books.

1914 Bodl. 144, Armaebanus belonged to Symon Maydeston. He was a monk of St. Augustine's, but this book of his is not in the abbey catalogue: nor is 2871, which was also his.

1974 Bodl. 155. A former owner was Stephen Batman, who was employed by Archbishop Parker to collect books for him. But few if any manuscripts in the Parker collection can be traced to him, and not many are to be found elsewhere. Nos. 2636,

<sup>1</sup> The oldest catalogues, in the Ashmole collection (printed by Dugdale), are very meagre.

2659 seem to have been his also. I find one or two also in the Pepysian library, and a few more could be cited.

2016 Bodl. 163 is entered in the Peterborough catalogue. It is no. 54 (K. 3); but the abnormal character of the catalogue, which does not record the principal contents of the volumes, but only the minor articles, effectually disguises the fact. There is no doubt that the list of books in this manuscript is a Peterborough list: many items in it can be identified with entries in Gunton's catalogue, in the list of Æthelwold's books, and in Leland's notes.

2060 Auct. F. 6. 3 is no. 1240 in the St. Augustine's catalogue.

2130 Auct. E. inf. 7 is no. 784 in the Christ Church catalogue. Should it not be marked as twelfth century? It was one of St. Thomas's books.

2171 Bodl. 507 has the name of Clement Canterbury, who was a member of St. Augustine's late in the fifteenth century.

2222 Bodl. 391 is no. 329 in the St. Augustine's catalogue.

2442 Bodl. 291 is an Exeter book, agreeing with an entry on p. 369 of the inventory of 1506.

2445 Bodl. 341 was owned by Edward Orwell. Books at Lambeth (nos. 174, 371) also belonged to him.

2586 Bodl. 524 is, I believe, a Lanthony priory book. It has the mark 'Quarti armarii 4 gradus'. In the catalogue printed by Omont from MS. Harl. 460, the medical books (and this, as I think, among them) are in the third press, fifth shelf. But the exact mode of marking is, so far as I know, peculiar to Lanthony, and in spite of the discrepancy I would assign the manuscript to that house.

2694 Bodl. 731. Robert Elyot, who owned this in 1489, became a fellow of Eton in 1464, and no doubt it was he who put the obit of Henry VI into the martyrology.

2700 Auct. D. inf. 23. The Billington chest may not be one of the ordinary Oxford University chests, but it was quite an important one at Cambridge.

3429, 3460 Selden supra 41, 72. Several of the Carmelite treatises in these volumes are entered in Bale's catalogue of his own library.

Finally, may a petition be offered that a full edition of the *Liber Commonei* should be issued by the Oxford Press? So far as I can see, there is no such thing; and the book is almost the only surviving relic of the learning of the early British church. The production of it would not be a very costly business.

M. R. JAMES.

*Interpretations of Legal History.* By R. POUND. (Cambridge: University Press, 1922.)

OUR age is proverbially an epoch of transition and the fermentation that accompanies this process is very noticeable in the domain of law: no wonder that Dean Pound's lectures reveal an aspect of American jurisprudence quite different from that represented, for instance, by one of the author's most authoritative predecessors, Dean Ames. The reason why the problems of juridical theory are treated in a boldly iconoclastic manner in this case may probably be found in the contrast between modern views of public utility and the principles laid down in that remarkable monument of eighteenth-century legislation, the constitution of the United States. There have been many sharp conflicts in the course of the application of this constitution by the supreme court and in the practice of single states, and Dr. Pound's 'engineering interpretation' may be regarded as a 'plank' in the platform of one of the contending parties. But the writer has to reckon with doctrines of long standing in European literature, and every page of his book testifies to his wide reading as well as to the vividness

of his impressions and expressions. But the various schools are subjected to a kind of 'general post' resettlement which produces unexpected results. Maine, for instance, is characterized as a disciple of Hegel on account of his generalization on status and contract, although there could hardly have been a thinker less inclined to metaphysical speculation and abstract deductions than the English observer of primitive institutions and customs. The law of nature is regarded as an idealization of a given state of positive law, but surely in most cases appeals to the law of nature have meant a recourse to ideal notions of justice in contrast with a positive law disapproved by enlightened opinion. Antigone referred to the law of nature in justification of her conduct because she defied the decree of constituted authority; the Roman jurists of the second century did not derive slavery from the law of nature; the scholastic philosophers of the middle ages sought support in the law of nature against positive law, and neither Rousseau nor Kant was inspired in his legal ideals by a reverence for existing institutions.

In this process of combining heterogeneous materials the author has often recourse to a device which he rightly condemns on other occasions, to the device of interpreting a term as if it had never varied in its meaning. A conspicuous case is presented by the use of the word 'freedom'. Kant and Hegel give the term connotations which are hardly the same as those implied by individualists of the Manchester school or of Spencer's type, and yet at the hands of our author the notion of freedom is accepted as a current and invariable one. Another dangerous misuse of words may be noted in connexion with the historical school itself. It is traced all through the book as an obstacle to constructive legislation. This is true to some extent of the tendency inaugurated by Savigny, Eichhorn, and Puchta, who opposed the rationalistic destruction of customary law. But it is long since the teaching of the *historische Rechtsschule* of this kind has been abandoned, and the historical study of law has received an entirely different orientation. Ihering, whom Dean Pound hardly mentions, proclaimed with great force that legal history in any given epoch is as much a record of efforts directed towards social ends as a record of tradition.<sup>1</sup> From this point of view the opposition between historical and engineering interpretation seems based on a misunderstanding: there are engineering elements in all epochs of legal history. Is it necessary to explain that a study of the experience of mankind in law does not imply fatalistic resignation in any way? Laws set conditions for the solution of social problems, and such solutions are products of individual minds. But the relative success of these attempts depends on the public forces which they gather for their support: therefore legal history, as well as any other branch of history, has to reckon with the transformation of general conceptions in the life of institutions and doctrines.

PAUL VINOGRADOFF.

<sup>1</sup> Cf. Landsberg, *Geschichte der Rechtswissenschaft*, iii. 816: 'A juridical institution stands and falls with the achievement of its aim. It arises for the sake of aims, in the consciousness of aims, and in the struggle between aims. This is the reason why law cannot be explained either by mechanical processes or by blind growth. Its justification lies in its ends, as a means for their realization.'

## Short Notices

*Le Culte de Saint Michel et le Moyen Age Latin*, by Olga Rojdestvensky (Paris : Picard, 1922), is a *résumé* in French of a longer work in Russian, published in 1918 and likewise dedicated to the author's master, M. Ferdinand Lot. It contains six pages of bibliography, attesting a wide range of reading. The thesis, which it is impossible to examine without reference to the larger work, is that the cult of St. Michael is of eastern origin, is unrelated except by accident to the worship of Wotan or Arvernus as identified with Mercury, reached Italy from the east and not from the Lombards, and came to the north of France and to Germany by way of Ireland and England. Some notes are added upon pilgrimages to Monte Gargano and to Mont-Saint-Michel, and on St. Michael in the character of the angel of death. C. J.

*The Monastic Chronicler and the Early School of St. Albans* (London : Society for Promoting Christian Knowledge), by the Rev. Professor Claude Jenkins, looks like one of a series of lectures on chronicle evidence in general. But though it begins with Bede and continues with a survey of monastic chroniclers down to the twelfth century, this general sketch only occupies twenty-two pages. The rest of the work is devoted to the historians of St. Albans down to Matthew Paris. Though professedly popular, and abounding in that sense of humour without which it is hopeless to comprehend the middle ages, it contains a good deal of original work. The author has brought a new eye to the old problems, and has formed his own conclusions. He rejects Sir Thomas Hardy's 'Historiographer' with apparent reason. He suggests that Roger of Wendover had as a basis a compilation made, not by Adam the Cellarer or Walter of St. Albans, but more likely, in part at least, by Abbot John de Cella. He emphasizes the merit of Roger himself, and points out how frequently Matthew Paris is credited with his predecessor's work, and he gives the results of a fresh examination of the manuscripts attributed by Sir Frederic Madden to Matthew Paris, and independent of that made for the British Museum *Catalogue of Royal Manuscripts*. Mr. Jenkins would limit the actual writing of Matthew to notes in Cotton MS. Nero D. i and possibly Nero D. v, and some of the text of Royal MS. 14, c. vii. He devotes much attention to the *Gesta Abbatum*, as illustrating the character of Matthew as an historian, and presses the point that he was 'dictator egregius' and possibly recited his works to several scribes at the same time. The 'lecture' is full of illustrations of monastic life and is rendered specially valuable by an excellent index, unusual in books of this character and brevity. C. J.

The second volume of Dr. Jacob Mann's *The Jews in Egypt and in Palestine under the Fātimid Caliphs* (London: Milford, 1922) does not further the avowed object of the work as being 'a contribution to . . . political and communal history'. It consists largely of appendixes to the former volume,<sup>1</sup> giving in full the materials which the author has employed. The Hebrew texts which they contain are interesting as specimens of the language as it was written between A.D. 900 and 1200, and the author's claim that they have hitherto remained unpublished cannot be challenged. All their strictly historical value, however, was extracted to make the first volume of the book, and, as our notice of that portion made clear, the results there published were neither very important to the student of history nor altogether original. The whole work had better have been regarded as a contribution to Hebrew literature than as an historical thesis. From that point of view it scarcely seems to justify the great labour which the author has obviously expended on it. R. L.

The second volume of *Collectanea Franciscana* issued by the British Society of Franciscan Studies under the editorship of Mr. C. L. Kingsford and others (Manchester: University Press, 1922) contains a paper by the provost of Eton on the list of libraries prefixed to the Catalogue of John Boston and the kindred documents. In this Dr. James makes the first attempt to trace the derivation of Boston's list and finds its source in two lists of libraries arranged according to the Franciscan system of *custodiae*. This takes back its original from the beginning of the fifteenth century to the first half of the thirteenth, and furnishes an important contribution to our knowledge of the monastic libraries of the middle ages. Mr. Charles Cotton supplies notes on the documents in the cathedral library at Canterbury relating to the Grey Friars, and Mr. Kingsford collects a mass of information about their brethren at London chiefly from the wills of persons buried in their church and precincts. Under the title of 'Friar Henry of Wodstone and the Jews', Mr. A. G. Little deals with the discussion as to the right of Jews to own freeholds, in which Wodstone took an active part in 1271, and adds some new materials. Other papers are of a literary interest: the 'Gospel Harmony of John de Caulibus or Bonaventura', by Miss Margaret Deanesly; and 'Friar Alexander and his Historical Interpretation of the Apocalypse', by Mr. J. P. Gilson. G.

Dr. Etienne van Cauwenbergh's study, *Les Pèlerinages Expiatoires et Judiciaires dans le Droit Communal de la Belgique au Moyen Age* (Université de Louvain, 1922), is concerned with an institution which seems to have no analogue in England, unless perhaps abjuration of the realm is to be regarded as a rudimentary form of it. The peculiarity of it consists in the application of a sanction borrowed from ecclesiastical jurisdiction to purely secular affairs. The compulsory pilgrimage, familiar enough in the Penitentials, and used freely in the thirteenth century by the Inquisition in the south of France, is found from the middle of the thirteenth to the end of the sixteenth century in the southern Netherlands, Flanders,

<sup>1</sup> See *ante*, xxxvi. 303.

Brabant, and the more ecclesiastically governed territory of Liège alike, as a penalty both for serious crimes and even for mere misdemeanours or breaches of municipal or commercial regulations. There is a special chapter to illustrate its application to the academical statutes of the university of Louvain, though this is, of course, outside the scope of the treatise, which is limited to communal law. The discussion of procedure in criminal cases which accompanies the examples of penalties will be of great interest to the large body of readers who are not used to the variegated character of Belgian institutions. They will find there, in full bloom, a system or group of systems which comprises the blood-feud, reconciliation by private or official arbitrators, procedure by appeal in civil torts, conflict of feudal and municipal law, the weregeld, and a constant recognition of the independent interests of the injured party and of the civil authority. Not the least curious point of the story is the way in which pilgrimages could, in the less serious cases, be commuted for pecuniary fines. This might even be compulsory when the exchange could be used in the interest of minors or of the authority exacting the penalty. The number of places to which pilgrimages might be ordered includes 197 identified places, and a few more which Dr. van Cauwenbergh could not find. The most varied lists are those of Ghent, Alost, and Termonde, which are very nearly the same. In them occur the names of St. John of Beverley, St. Thomas of Canterbury, St. Giles of Dover, St. Thomas of Hereford, St. Catherine and St. Mary of Lincoln, St. Peter of Louth, St. Peter of Peterborough, St. Andrews, St. Edmund of Bury, St. Mary of Salisbury, St. Mary of Walsingham, St. Nicholas of Yarmouth, and St. Peter of York. St. Patrick of Ireland (presumably Armagh) and St. Mary of Oxford occur only in the Antwerp list. The eastern pilgrimages go as far afield as India, while for small offences shrines in or near the towns concerned are sometimes considered far enough. The book as a whole is a very full and careful study of a limited subject, but it would be interesting to know whether the system described in it is exclusively Belgian. The author does not give examples from other countries. C. J.

The publication of the first volume of *Dénombrements des Feux des Duché de Luxembourg et Comté de Chiny*, which contains *Documents Fiscaux de 1306 à 1537* (Brussels: Kiessling, 1921), has been delayed many years not only by the war and by the death in 1915 of M. l'Abbé Jacques Grub, who must have devoted a considerable part of his life's leisure to the work, but also by the discovery, when most of the documents he had collected were already in type, of a great number of inaccuracies of transcription, due to the failing powers of M. Grub. As now issued with the additions and corrections of M. Jules Vannérus the volume provides an immense mass of materials for the history of Luxemburg, of the Burgundian dynasty, and of state finance in the fifteenth and sixteenth centuries. The general methods followed in the levy of the hearth-tax have been indicated in a review of the earlier volume in this series on Brabant edited by M. Cuvelier.<sup>1</sup> Of the total *aide* of 500,000 *écus* granted by the states-general to Charles the Bold in 1473, Brabant's quota was 108,000 *écus*, and that

<sup>1</sup> *Ante*, xxviii. 566.

of Luxemburg and Chiny 12,000 *écus*; while the average incidence per hearth in Luxemburg was 12 *sols* (equivalent to about thirty pence in contemporary English coinage). In the present volume the census enumerations are given in detail, each preceded by a brief introduction, accompanied by foot-notes and followed by several *pièces justificatives*. There is no attempt to present the results of each census as a body of statistics, or to bring together the results of the whole series, or to show their bearings on social and financial history. We may perhaps hope that this part of the work, with a map and diagrams (to correspond with M. Cuvelier's masterly handling of Brabant), is to be carried out in the next volume. In the meantime, the foreign student who is not a specialist in the history of Luxemburg must content himself with such crumbs from this feast of erudition as fall in his direction. Perhaps the best general approach to the collection would be furnished by a reading of the Introductions to the 'dénombrements' of 1501, 1525, and 1528, followed by an examination of the last of these, which is the most detailed and interesting of the series. In 1501 the distinction between free and servile tenure emerges into prominence, and two 'mesnaiges serfs' are reckoned equivalent to one 'mesnaige franc'. Out of 1,404 localities, 421 had a population holding entirely by servile tenure, 215 had a mixed population, and in the remaining 768 where no difference of status is mentioned the editor argues for universality of free tenure amongst the tax-paying classes. In the documents relating to 1525-8 the central interest is found in the growing indications of conflict between the central government and its bureaucracy, seeking to render the assessment more elastic, and the provincial estates and the feudal magnates who resist any increase. In 1528 a number of seigneurs refuse to furnish the details asked for and return simply a total of the hearths at which their territory has been or ought to be assessed. But the greater details given in other cases, including the names of all householders paying the tax in the towns, makes this enumeration a most valuable quarry for the social and economic historian as well as for the student of personal and place names. An index to the nearly two thousand localities makes it possible to follow the fiscal history of most of them for a century and a half. G. U.

Tome iv of M. G. Mollat's admirable edition of Baluze's *Vitae Paparum Avenionensium* (Paris: Letouzey et Ané, 1922)<sup>1</sup> corresponds to the latter half of toms ii of the original of 1693; that is to say, it completes the series of illustrative documents published in the first volume. The documents included in tome iv run from May 1342 (no. 90) to February 1408 (no. 242), but omit Bishop Nicholas of Butrinto's narrative of the expedition of the Emperor Henry VII, which has already been given a place in tome iii. A good many of the manuscripts from which Baluze printed can no longer be found, but, as in tome iii, wherever he could, M. Mollat has collated the text with copies preserved in the Vatican, at Paris, and at Grenoble. With the help of modern sources, such as Eubel, Noël Valois, and Weizsäcker, he has in many places made valuable corrections in the dates. The index to tomes iii and iv has been reconstructed, and cross-references have been supplied. H.

<sup>1</sup> See *ante*, xxxvii. 140 (1922).

Canon C. W. Foster has edited for the Lincoln Record Society a volume of *Calendars of Administrations in the Consistory Court of Lincoln, A.D. 1540-1659* (Horncastle: 1921). This forms a guide to two series of administration documents, covering the periods 1540-1600 and 1601-59 respectively, which were recently transferred from the Lincoln Diocesan Registry to the Lincoln District Probate Registry. Until their removal they had been neither sorted nor indexed. This work has now been performed by Canon Foster, whose calendar will in future be indispensable as a guide to the collection and also as a commentary on the place-names which occur in its documents. The second series appears to end, for all practical purposes, at the year 1652. A careful examination of the entries under the first three letters of the alphabet discloses no documents of any later year, nor have any met the reviewer's eye in a casual survey of the rest of the calendar. It appears that, although the consistory court functioned up to 1652, there was a great falling off in the administration business after 1649. In fact, the number of administration documents entered in each of the three years 1650, 1651, 1652 seems to be about fifty per cent. of the annual average before 1650.

H. W. C. D.

The thesis of Dr. Franklin Charles Palm's book, *The Economic Policies of Richelieu* (University of Illinois Studies in the Social Sciences, vol. ix, no. 4. Urbana: University of Illinois, 1922), is that the economic element in Richelieu's policy has been overlooked in the past and that Richelieu was really influenced by definite economic principles. His determined siege of La Rochelle, for instance, was due mainly to the vital necessity of controlling the salt pits there, and this was 'not unlikely' to have caused the friendship of 'England, Spain, and Holland with the Huguenots' (p. 153). On the same page we learn that 'the large amount of salt consumed in Flanders has a peculiar significance when one comes across attempts on the part of Austria and Spain to gain absolute control in that country, much to the distress of France'. All is fish that comes to Dr. Palm's net, and one is not surprised to find, on p. 178, that Richelieu 'made an addition to the theoretical side of economies by taking a stand in favour of increased freedom of trade', though earlier (p. 176) we have the author's assurance that Richelieu was one of the 'founders of the French mercantilistic state'. The truth seems to be on p. 174, that what Richelieu wanted was 'a strong state politically', the most trustworthy statement in the book. Though this work is based mainly on the '*Mémoires*' of Richelieu, the author does not seem to have made any use of the latest and best edition, that of the Société de l'Histoire de France, 1907-21. The seventeenth-century volumes of *Les Sources de l'Histoire de France* are by Bourgeois and André, not by 'Molinier and others' (p. 180). There are other mistakes in the bibliography and many mistakes in the spelling of French names, but Dr. Palm has made no distinction between his various sources, except that he frequently shows a preference for obviously uncritical and unreliable books. We regret that we can congratulate Dr. Palm neither on having given a consistent exposition of his thesis nor on having shown any grasp of the rudiments of historical investigation.

D. O.

The *Journal of the Travels and Labours of Father Samuel Fritz in the River of the Amazons between 1686 and 1723*, which has been translated and edited by the Rev. Dr. G. Edmundson for the Hakluyt Society (1922), is a valuable book, admirably edited and elucidated. The anonymous manuscript discovered by Dr. Edmundson in the Public Library at Evora is by a companion of Father Fritz: a considerable part of the father's own journal is incorporated in it, and it concludes with a 'brief recapitulation of the deeds, the virtues and the death of Father Samuel'. The editor justly remarks that 'it is a wonderful record of the life-long and devoted labours of this extraordinary man'. Apart from its biographical interest, the narrative gives a valuable account of the tribes of the Upper Amazon, the character of the missions and the schools for Indian children, also of the rivalry between Spaniards and Portuguese and the difference in their methods. Fritz was 'a careful and scientific geographer', and his two maps, of 1691 and 1707, were for long the chief authorities for Amazonian geography. The smaller of these two maps, that of 1707, was discovered by Dr. Edmundson at Evora and is reproduced in this volume. The observations of Father Fritz concerning the excessive territorial claims of the Portuguese and the position of the boundary mark set up by them in 1639 are of great interest; and the editor provides a conclusive note on this historical question.

F. A. K.

A second volume of the *Later Mughals*, covering the years 1719-39, edited and augmented with the history of Nadir Shah's invasion by Mr. Jadunath Sarkar (Calcutta: Sarkar, 1922), completes all that the late William Irvine was able to leave of his projected history of the Mughal empire from the death of Aurangzib to the British capture of Delhi. He had himself actually in some form written the narrative down to April 1738, though the portion from February 1725 to the later date was unrevised and incomplete. Mr. Jadunath Sarkar, who thoroughly knew Mr. Irvine's methods and whose own attainments as an historian are widely recognized, has prepared the whole work for the press, revised and in part reconstructed the concluding portion, and completed the story of Nadir Shah's invasion of Delhi. The first volume was reviewed at some length in this Review in 1922,<sup>1</sup> and it only remains to say that this concluding portion exhibits the same merits and the same defects. We have here rather the systematized and chronologically arranged materials for a history than a history itself. There is the same scrupulous and meticulous accuracy of detail combined with an almost morbid shrinking from the adventure of generalization and the duty of reflexion. The most valuable part of the book is the careful incorporation of Persian and Marathi unpublished material. Mr. Sarkar has fulfilled his task in a manner at once scholarly and sympathetic, and the part of the volume for which he is responsible is certainly not the least valuable or the least interesting.

P. E. R.

The work of Señor José P. Otero, *L'Argentine devant l'Histoire* (Paris: Plon, s. a.), of which the first volume is before us, is, as perhaps its title is

<sup>1</sup> See *ante*, xxxvii. 448.

meant to indicate, not so much a history as an essay in justification or eulogy of 'la pensée démocratique de la Révolution Argentine—la philosophie libérale de notre Révolution—l'esprit démocratique et libérateur dont sont imprégnés nos soldats'. The latter part of the book is an attempt to interpret the rapid succession of administrative and constitutional experiments which accompanied or followed the revolution, and to explain the conflicts which prepared the way for the dictatorship of Rosas. The last chapter briefly describes the contest between Brazil and the Argentine for the domination of the Banda Oriental, a contest in which Argentine prowess 'favorisa, chez les poètes la rérudescence lyrique'. The author throughout represents the point of view of the 'Porteño' of Buenos Aires. He is dissatisfied with Bolívar and considers that the Argentine leader San Martín is 'le Libérateur du nouveau monde'. F. A. K.

It is a commonplace that the problem of relations between colonies and Great Britain was not solved by the concession of responsible government, which pointed the direction, but did not pave the road, and of his lectures now published with the title of *Canadian Constitutional Studies* (London: Milford, 1922) Sir Robert Borden wisely devotes three-fourths to constitutional development after Grey's famous secretaryship, that is, to the rise of responsible government into what is vaguely called 'dominion status'. The book is well provided with references to documents and gives a useful short guide to a period often neglected in favour of a more dramatic past. If one may confess a feeling of slight disappointment it is largely because the last section, on constitutional development from 1914, contains little not already accessible. Perhaps it is too soon for Sir Robert Borden to tell how problems of unified strategy, control of shipping, munition supplies, the apportionment of war costs, were either solved so as to combine efficiency with autonomy or shelved for future settlement. Naturally his position is a nationalist one; he lays emphasis here, as he did in parliament, on dominion equality. Few men could have better knowledge than he of the actual working of dominion government, or of the problems brought into relief by the war, but it is a little doubtful if the office of prime minister, held through more than eight critical years, is a complete preparation for impartial history. Sir Robert Borden at any rate never hesitates when an issue arises between colonial office and dominion; not only justice but wisdom is on the dominion's side. He does not admit any validity in Durham's desire temporarily to retain for the imperial authority control over a colony's Crown lands, although Canada's refusal to transfer such lands to the prairie provinces, and her determination to carry out a unified policy of land settlement, can be held to justify Durham's position. One feels here, as in many other books on dominion constitutional development, that the author hardly allows enough for the great changes made during the nineteenth century in the constitution of Great Britain. The fact is seldom brought out that responsible government was developing in Westminster as well as in the colonies, that the powers of the Crown were failing, those of the ministry rising, and that a far-sighted statesman in 1840 or 1870 could hardly concede more to a dominion than the British cabinet enjoyed. E. M. W.

THE striking victory won by President Jackson at the election of 1832 is the subject of Dr. Samuel Rhea Gammon's able and interesting monograph, *The Presidential Campaign of 1832* (Johns Hopkins University Studies, series xl, no. 1. Baltimore: Johns Hopkins Press, 1922.) The campaign of 1832 was very closely connected with the two that preceded it, at both of which Jackson had been a candidate. During the three campaigns the party divisions were made which were to last until the slavery issue created new dividing lines, the new party names 'national republican' and 'democratic republican' came into use, and the ideas and machinery of the nominating convention were worked out and established in national politics. These developments give the decade a great importance in American party history. Dr. Gammon makes a careful study of them, and then of the issues and course of the campaign of 1832, throwing new light on the tactics of the United States Bank and the circumstances in which the renewal of its charter became a principal issue at the election. Jackson's remarkable success—he obtained 219 out of 288 votes in the electoral college—was partly due to his personality, and partly to the popularity of his measures with the masses, his instinct for interpreting the popular will. Partly also he owed it to the division of his opponents into 'anti-Masons' and 'national republicans'. West and South were almost solid for him, and New York was carried by van Buren's excellent political organization.

E. A. B.

In *The Canadian Reciprocity Treaty of 1854* (Johns Hopkins University Studies in History and Political Science, series xl, no. 2. Baltimore, 1922), which is an instalment of a forthcoming life of the American secretary of state, William L. Marcy, Dr. C. C. Tansill, by the use of the Marcy Papers, has thrown new light upon the history of that treaty. From a list of items that are given in detail it becomes clear that in the maritime provinces

one of the main reasons for the final success of the Reciprocity negotiations was the liberal expenditure of money by the special agent of the United States. . . . Ever since 1854 it has been insinuated by certain American writers that the Reciprocity Treaty was 'floated' through the American Congress 'on champagne'. In the light of the above expenditures such a charge appears to come with peculiar ill grace from American historians.

Whoever, then, is familiar with the amusing story told by Laurence Oliphant should set by the side of it the more authoritative and trustworthy statements of Dr. Tansill.

H. E. E.

Mr. C. M. P. Cross's book, *The Development of Self-Government in India* (University of Chicago Press, 1922), is an exhaustive compilation of documents, of every conceivable sort, from statutes to leaders from the vernacular press, dealing with this aspect of the period from the Indian Councils Act of 1861 to the outbreak of the war. The thread of narrative and comment upon which they are strung is somewhat exiguous, but Mr. Cross's industry has compiled a really useful source-book and a full, though uncritical, bibliography.

A. B. R.

Students of imperial relations will be glad to have in the stately form rendered possible by the resources of the Carnegie Endowment for Inter-

national Peace the volume on *The Fiscal and Diplomatic Freedom of the British Oversea Dominions* (New York : Oxford University Press, 1922), which the late Mr. Edward Porritt has contributed to the series of publications of the Division of Economics and History. Granted that Mr. Porritt contented himself with collecting his facts from well-known sources, it is a great convenience to have so much material gathered together and rendered accessible, and it is an advantage to have the conclusions to be drawn from the material expounded by an author who naturally looked at the issues rather from the point of view of the dominions than from that of the United Kingdom. Mr. Porritt, however, did not allow his dominion point of view to blind him to other aspects of the controversies which he discusses ; his strictures on politicians even when severe are generally deserved, and his delineations of character have a raciness and directness unexpected, but not the less welcome in so solid a treatise. 'Imperialism', we are told, 'oozed out of Tupper. No British subject, born in the oversea dominions, ever delighted more in the personal trappings of imperialism—the garters and stars and the Windsor uniform—than Sir Charles Tupper.' At the same time it may be doubted if the theme is one best suited to develop Mr. Porritt's special qualities. There is undoubtedly a distinct lack of plan in the composition of the work ; there is much repetition, and the ideas presented lose both force and clearness by the complicated manner of their development. The reader comes every now and then across odd items of information, evincing the author's erudition, but irrelevant as presented to the aim of the work. More serious, however, is Mr. Porritt's somewhat uncertain handling of the vital constitutional issues involved in the development of dominion status. The theoretic scheme of stages of progress (p. 62) has little resemblance to the facts, and it is amazing to find (p. 92) the Declaratory Act of 1778 solemnly put forward as for sixty years 'the only statutory indication that the American Revolution had wrought any change in the colonial policy of Great Britain', for it was the revolt of the American colonies which evoked the narrowness and distrust shown in the constitutions granted to Canada and the Australian colonies. It is curious also to find the effect of Lord Ripon's famous circular of 28 June 1895 wholly misapprehended (pp. 198–200), as an effort to stem the progress of colonial authority in treaty matters. In point of fact Lord Ripon's pronouncement was in no sense retrograde ; it announced in clear and felicitous terms the conditions on which commercial treaties could be arranged separately for the dominions with foreign powers without the creation of a breach in the unity of the empire. The soundness of the doctrines expressed has been fully confirmed by the passage of time ; the one case in which there was some approximation to disregarding them was in the proposed reciprocity arrangement between Canada and the United States, which caused the fall of Sir Wilfrid Laurier's government in 1911. Mr. Porritt misapprehends also the effect of the proceedings in 1907 regarding the negotiation of the special agreement regarding Franco-Canadian trade. 'It was entirely a Canadian and French negotiation,' he writes (p. 201). 'It was so much of a Canadian negotiation that at the end of the Mission the only report made by the Canadian plenipotentiaries was to the Cabinet at Ottawa.' The plenipo-

tentiaries were not Canadian ; they were British plenipotentiaries, chosen, as the subject-matter concerned Canada *par excellence*, from the Canadian cabinet, and these ministers were associated in the signature of the treaty with his majesty's ambassador at Paris. Before they signed the agreement which they negotiated with the French government, they received approval from his majesty's government and special authority to sign, as contemplated by Lord Ripon in 1895. The one point in which the negotiation differed from the earlier negotiations for the Franco-Canadian agreement of 1893 lay in the fact that in the actual discussions of terms in 1907 the British ambassador took no part, while Sir Charles Tupper was aided in 1893 by a British diplomat but in fact was responsible for the conduct of the negotiation. The real change in the diplomatic status of the dominions belongs to 1919 and its nature is still undefined. There is also a serious misunderstanding of the effect of the events of 1898 ; no wholesale revision of British treaties binding the dominions then took place ; all that happened was that freedom was obtained from the German and Belgian treaties which prevented the grant by the dominions of preferential treatment to the mother country.

A. B. K.

Lectures delivered to a study circle of teachers of the London county council are the basis of Sir Charles Lucas's latest work, *The Partition and Colonization of Africa* (Oxford : Clarendon Press, 1922). The character of the audience explains the scope and purpose of the work, which aims at presenting the essential features of the history of Africa in the nineteenth and twentieth centuries, and at suggesting the many difficult problems raised by the partition of Africa and European settlement there. The historical series of events which explains the present position of European powers in Africa is set out both simply and effectively, but the main attraction of the book is undoubtedly the expression of the author's opinions on the relations of Europeans and natives. Sir Charles Lucas writes with wide knowledge and experience of these affairs, and his point of view is essentially that of the ideal English administrator. He has no illusions regarding the natives of Central or Southern Africa in their primitive state ; he will not admit for a moment their right to exclude European immigration and to remain in barbaric isolation ; he recognizes the importance and value of commerce both to Great Britain and to Africa, but he is equally conscious of the importance of the services of missionary enterprise in the cause of civilization. Nothing expresses better his attitude than his conclusion :

The right view of Africa and the Africans is not to regret that Europeans came in, but to deplore that, having come in, they were guilty of so many abuses instead of shouldering their rightful job, which is to be trustees of the black men until in some distant future (if ever) the black men have become able to stand by themselves.

There is, indeed, little in the work from which in point of principle dissent can possibly be felt, though on a few matters of detail correction might be advisable ; that an ambassador is not amenable to the laws of England and that the embassy is technically foreign soil is a popular, but legally inaccurate, mode of expressing the true position of an ambassador, and it has the disadvantage of obscuring the fact that an ambassador is secured

only such measure of immunity from the operation of the law of the territory in which he resides as is necessary to enable him effectively to carry out his duties of representing his sovereign.

A. B. K.

The new *Historical Atlas of South Africa*, by Professor Eric Walker of Cape Town (London : Milford, 1922), is somewhat more than a collection of maps, for it embodies in part the results of certain investigations into previously unexplored material by Mr. Walker and his late colleague, Mr. J. L. W. Stock, who fell during the war. Half the volume consists of detailed historical comments on the maps, based mostly on well-known authorities in South African history like Theal, but giving also useful references to parliamentary papers and other official material. Some of the most careful investigation recorded relates to matters of local rather than general historical interest, like the long lists of those holding farms in Cape Colony between 1679 and 1712, which with the accompanying map will probably long serve as authoritative for the Cape antiquary and genealogist. The maps relating to South Africa itself are excellently clear, and will be of great use to the student, but it is perhaps unfortunate that neither latitude nor longitude is shown, especially so when the maps have had a northern orientation. Contours are inserted in many maps but are not shaded. It would have added to the value of the atlas if a purely physical map with coloured contours and more detail than in Map 20 had been inserted, for the direction of migration in the sub-continent has often been guided by physical causes and such a map would afford a useful means of reference alongside the political maps at various periods. The general maps of the world are less satisfactory ; they are easily accessible in general historical atlases, and in some cases they seem to lie beyond the purpose of the present volume. The use of Mercator's projection is strongly to be deprecated in maps concerned with oceanic expansion, for it obscures the proportion of the distances that had to be covered by the voyagers and it has little compensating advantage. The details of the maps seem to be very accurate wherever it has been possible to check them, but in Map 22 there is one obvious mistake, and Professor Walker probably wrote ' Annual Rainfall ' where his map-maker has made him speak of ' *Annular* Rainfall '. The atlas undoubtedly fills a gap that has long been felt by the student of colonial history and it will be of use far beyond the limits of South Africa.

A. P. N.

The late Sir Thomas Raleigh was a lawyer and a servant of the Crown, and *The Annals of the Church of Scotland* (London : Milford, 1921) which he compiled from reputable, though secondary, sources have been presented in a manner which reveals the writer's profound respect for ' authority ' and for ' the state '. The state, for him, has almost always been sane and tolerant ; the root cause of persecution and controversy has been the claim of the clergy to exercise prelacy, political power. Prelacy must be distinguished from episcopacy, and it is the Scottish minister, rather than the English bishop, against whom his criticism is mainly directed. ' Almost all Englishmen are, in a sense, Erastian,' is one of Raleigh's dicta, and he goes on to express the view that the forms of church govern-

ment and church service adopted in England are better than their Scottish equivalents. 'An admixture of genuine episcopacy', he asserts, 'was just what presbytery needed to make it a good form of government.' Obviously his main thesis is a criticism of the Scottish church along the lines laid down by Walter Scott and developed with whimsical skill by Andrew Lang. Much good is said of the old catholic church, and little good of the reformers; episcopacy is preferred to presbytery, establishment to dissent. The good qualities of Sixtus IV are commended; the weaknesses of Luther are exposed. The massacre of Vassy is explained away; Guise is shown only as forgiving Poltrot. 'The Protestants', we are told, 'had done so many injuries to their Popish neighbours that they lived in constant fear of a reaction;' but no hint is given that fewer catholics were executed in Scotland than in any other protestant country, and nothing is said of the persecutions in Spain and Italy. Mary Stewart is virtually acquitted; Moray appears mainly as an English hireling, 'like all the leaders of the Protestants'. Charles I may justly appeal to the practice of the primitive church, but Knox should remember that systems change with the times. The 'seceders' are held responsible for the long rule of 'moderatism' in the Scottish church, but the thesis that 'moderatism' begat the seceders is not developed. The objections of the 'evangelicals' to patronage are found not to be based on precedent, but their attitude gains in respectability about the year 1869, when 'many leading men of the old moderate party' have become 'conscious of the objections which may be taken' to the system. The slips in fact are not serious; yet they reveal the author as working with unfamiliar materials. More serious than the errors are the omissions, and the student who drew from this book alone his notion of the ecclesiastical history of Scotland would have but a distorted picture. He would be puzzled to understand how, when William III was 'something of an Erastian', and when the Scottish people were largely episcopalian in conviction, the discredited Presbyterians, torn by internal strife, managed to establish their system in 1689. And if he sought to satisfy his curiosity from other sources he would learn with astonishment that during the seventeenth century the party of presbytery, far from being a narrow ministerial ring, included many of the most distinguished in the land. But the fundamental error of the book lies in its psychology; the author was for ever contrasting intolerant presbytery, not with any other available system, but with a church of his own imagination—a church, like himself, tolerant and lovable, whose relations with the state should be fixed by mutual good feeling. Sir Harry Reichel, who has edited the volume, has prefixed to it a biographical sketch, including some notes of Raleigh's own, which will be valued by all who knew him.

J. D. M.

The Rev. R. J. E. Boggis's *History of the Diocese of Exeter* (Exeter: Pollard, 1922) has excellently supplied an old need. He has made good use, so far as can be judged without intimate local knowledge, of all the materials, and has used them with sound judgement. His reading of Latin documents cannot, indeed, always be trusted, and his book as a whole is to be regarded rather as a good popular summary than as a close historical

study. At times he seems to attach too much personal importance to phrases in the medieval materials which are merely 'common form' or conventional. But he extracts a great deal that is of interest from little-known sources. Sometimes he passes by expressions which deserve elucidation. What, for instance, does he make of Ælfweald calling himself 'archimandrite of the church of Crediton'? He was of course the bishop;<sup>1</sup> but was the title more than a mere flourish of ignorance? More might be said too about the 'archpriests', who turn up more frequently than historians, till lately, have noticed. Can they always, as Bishop Stubbs thought, be identified with rural deans? It is curious, if true, that Bishop Temple was the first diocesan bishop to visit the Scilly Isles. In later times, there is interesting illustration of the discussions relating to the millenary petition, with a public conference and course of sermons in the cathedral church (p. 391). The number of clergy turned out during the Puritan dominance is noteworthy, 216 out of 569 in the diocese, a point often forgotten when the extrusions on St. Bartholomew's Day are spoken of. The sketch of Bishop Phillpotts is very well done, but it is not entirely sympathetic. This could hardly be expected, perhaps. One must remember the portrait in Anthony Trollope's *Warden* and Dr. E. C. S. Gibson's brilliant essay (1902).

W. H. H.

Mr. John L. Fisher's study of *The Deanery of Harlow* (Colchester: Benham, 1922) is a most useful book, giving lists of clergy, short accounts of the churches, with record of 'anything which has been lost through accident, theft, or drastic restoration', as well as a history of each parish in the rural deanery. It gives sad evidence of the damage done by 'restoration' during 'the peaceful sixties and seventies'. When some one takes in hand a history of the restoration of churches in England during the reign of Queen Victoria, some fearful things will have to be told. The disappearance of historical monuments of all kinds, known to have existed a century ago in this rural deanery, is a calamity which is only too common. Not all Mr. Fisher's historical statements can be accepted: e. g. the extermination of the Romanized inhabitants at the coming of the English. As usual the records afford interesting evidence of the continuity of incumbency both during the Reformation period and at the Restoration. Edward Spranger was vicar of St. Mary, Harlow, from 1617 to 1679, and there is good testimony that he was not at all a 'vicar of Bray'. It would have been better if the term 'preferred' were not so constantly employed in recording a change of benefice: thus the transfer of a minister in 1885 to a benefice of which he was himself the patron (p. 95) hardly falls within the category. The family of Sanderson Miller, descendants apparently of the builder of the Edgehill tower, deserves rather longer commemoration, especially Charles who was vicar of Harlow from 1831 to 1885, of whom both fragrant and amusing memories must still remain. The illustrations are valuable, particularly the heraldic ones.

W. H. H.

In *Oundle's Story: a History of Town and School* (London: Sheldon Press, 1922) the Rev. Canon W. Smalley Law, Vicar of Oundle, has given

<sup>1</sup> See *A. S. Chron.* 1008, and Earle and Plummer, ii. 186.

a well-written account of his parish, the church, and the foundation of Sir William Laxton. The publication in it of several local records adds to our knowledge of the district. The relations of Oundle with Peterborough deserve further elucidation, towards which the researches of Mr. W. T. Mellows should prove valuable. Mr. Smalley Law has unfortunately in his account of the Civil War period been misled by the Squire forgeries. A curious result of the vicarage standing upon land derived from two titles—that the house and garden are rated separately—is traced to its origin over 550 years back. ‘Governments come and go but officialdom remains,’ says Mr. Law. He has written a good little book. W. H. H.

The examination of cathedral and church records of recent years has added very much to our knowledge of the history of ecclesiastical building, and the book of Mr. Herbert E. Bishop and Miss Edith U. Prideaux, *The Building of the Cathedral Church of St. Peter in Exeter* (Exeter: Comm-in, 1922), is a very good example of what has been done. From an examination of the Dean and Chapter Act Books (continuing, with certain gaps, from 1383) and the chapter archives and other Exeter manuscripts, some still at Exeter, some in the Bodleian, the authors have been able to give several new facts and to correct several errors of earlier writers. We recover the names of many of the early workmen: an interesting example is the Master Thomas of Winton, 1312–13, who no doubt was trained in Winchester when the great stall-work was erected at the end of the thirteenth century. The detailed history of the presbytery and its aisles is shown from the fabric rolls to have been hitherto misunderstood. The history of the minstrels’ gallery is also (with the aid of Mr. Hamilton Thompson and Mr. G. McN. Rushforth) elucidated, though here the fabric rolls give no help, apparently; Archdeacon Freeman in his well-known book being mistaken on this point. Good reasons are shown for believing the oldest unidentified monument to be that of Bishop Leofric, made probably some time after his death in 1072. It is shown that there is no foundation for the view that a ‘transitional’ choir with chapels was erected by Bishop Marshall or that he built the Lady Chapel, &c. It is not quite clear why the authors think that the ‘Saxon’ church was not pulled down till after the erection of the Norman building; and it should be possible to make sure if the font is (like that at Winchester) of marble from Tournay, where the quarry, it seems, still exists. A good account is given of the glass and heraldry in the cathedral. In so excellent and valuable a book it may be useful to name a few points for correction. These are ‘one of the *custos operis*’ (p. 8): ‘à Becket’ (p. 84): a mention of ‘Edwardian iconoclasts’ about 1545 (p. 150): and a mention of glass in All Souls Chapel, Oxford, where no doubt New College is meant (p. 155). In some cases it would have been useful to make the references more explicit, e. g. that on p. 61 to the ‘Lieutenant from Norwich’, which no doubt means the survey by three officers in 1634 (B. Mus., Lansdowne MS. 213), part of which was edited by Mr. L. G. Wickham Legg in 1904. It is difficult to believe that Bishop Grandisson himself described his cathedral as likely to surpass ‘every Gothic cathedral in England and France’, when we remember that the date was 1327–70. W. H. H.

In a solid quarto of 925 pages Mr. Percy W. L. Adams presents *A History of the Douglas Family of Morton in Nithsdale (Dumfriesshire) and Fingland (Kircudbrightshire) and their Descendants* (Bedford: Sidney Press, 1921), amongst whom his own children are numbered. The work has been a labour of love, and its prime interest must be for the families whose descent is recorded, but as it has been compiled with care from the correct authorities, enriched with many excellent reproductions of pictures and portraits and equipped with an ample index, it will be of great service to the student of the genealogy and the topography of south-western Scotland. The author rightly distinguishes between the 'superiority' of the barony of Morton and the actual tenure of the estate and castle. The superiority passed by marriage settlement from Randolph to the earls of March, and thence to the Douglasses of Dalkeith, who obtained in 1457 the style of earl of Morton, though the chancellor, harassed by a counter-claim, stated explicitly (and really mendaciously) that the title was derived from another Morton in Caldercleir (Midlothian). The third earl of the Dalkeith line left only heirs female, and it was by marriage with one of these, Elizabeth, that James Douglas, the famous Regent Morton, secured the earldom and the barony, which, despite the explanation of 1457, were plainly associated. After his fall the estates and dignities passed, not without a struggle, to his heirs, in whose hands they remained until the eighth earl of Morton, finding his family's loyalty ill repaid by the restored Stewarts, was compelled (in 1680) to alienate the superiority to the rising house of Queensberry—Douglas too—whose present representative is the duke of Buccleuch and Queensberry. Meanwhile, the estate and castle of Morton remained in the actual possession of a family of Douglas, commonly supposed to be a branch of the Dalkeith house, but it is one of Mr. Adams's discoveries that the founder of this branch (Patrick Douglas who died about 1570) was in fact a son of the stout Sir James Douglas of Drumlanrig, the ancestor of the Queensberry line. Throughout the seventeenth century this family, though troubled under the Covenant, prospered steadily. William, who died in 1707, acquired Fingland as part of the barony of Lochrinnie, and several excellent matches were made with Lowland houses of distinction. Archibald in 1714 finally abandoned the old castle (which soon became a ruin), and Fingland was sold before 1722; but the line continued to produce interesting people, landowners, soldiers, clergymen, doctors, and one William Douglas (1672–1760) who was the jilted lover of Annie Laurie (daughter of Sir Robert Laurie) and who is credited with the authorship of the famous song. The book invites reference rather than perusal. There are few who find the technicalities of Scots law light reading, and Mr. Adams has wisely refrained from altering the text of the many documents supplied to him by most competent transcribers. His own synthesis, though clear, is unambitious, and his judgements on great events are, if sensible, not inspired. It is curious to read (on p. 167) of the valour of the Scots regiments at the battles of Oudenarde, Vendôme, Tallard, and Villeroy. But the author's modesty disarms criticism. J. D. M.

The labyrinth has a long and intricate history. Mr. W. H. Matthews, in a monograph on *Mazes and Labyrinths* (London: Longmans, 1922),

gives an account of the famous Egyptian and Cretan labyrinths, and traces the labyrinth or maze in its many later conventionalized forms. The Egyptian temple which excited the wonder of Herodotus had little in common with the maze pattern which first occurs in frescoes on the walls of Knossos. The latter has had great vitality. It is frequently found in Roman mosaics, as well as in the floors of Christian churches, more especially in Italy and France. In its decadence the maze becomes a floral labyrinth and finally a hedge maze. The labyrinth links itself not only with topiary but with folk-dancing, for it was doubtless the popular sport of running the maze (itself a variety of the widespread 'Troy dance') that has preserved in this country so large a number of turf-mazes, 'Troy-towns', and 'Julian's Bowers'. The subject has a considerable but scattered literature, of which Mr. Matthews has given a good bibliography, but the present attractive volume forms the first general survey.

H. H. E. C.

The little volume of *Select Naval Documents* (Cambridge : University Press, 1922), edited by H. W. Hodges and E. A. Hughes, is intended primarily for teachers of naval history, but will be useful to all students of the subject who do not possess a set of the publications of the Navy Records Society, since a great number of the documents come from them. There are also some new and valuable documents not previously printed. The documents chosen illustrate strategy, tactics, ship-building, the food and health of the navy, the education of officers, and every side of naval war and administration. There are dispatches on battles, such as Torrington's on Beachy Head, and Hawke's on Quiberon; there are selections from the Fighting Instructions, and a series of Kempenfelt's letters on the theory of war and on signalling. The plates too are well chosen; amongst them are diagrams from Hoste's *L'Art des Armées Navales*, specimens of early signals, and the facsimile of a begging licence for a maimed sailor. The explanatory notes are sufficient and not too lengthy.

C. H. F.

In *The Unfortunate Colonel Despard and other Studies* (London : Arnold, 1922) Sir Charles Oman has collected eleven lively and characteristic essays on various subjects. Despard and Thistlewood were malefactors with something in common; the romantic and the real Basil of Cappadocia are equally remote from them. Sir Charles's three addresses to the Royal Historical Society are already well known in the Society's *Transactions*; his paper on 'The Tudors and the Currency' will be the more useful to historians because it is written from the point of view of a skilled numismatist. The lectures on the Crusades and on Lord Carteret are lucid surveys, not attempting to contribute new knowledge, and the volume concludes with a paper on the difficulties of historians working under modern conditions and a sketch of the history of the idea of an earthly Paradise.

I.

Professor James Tait's lecture on *The Study of Early Municipal History in England* (from *Proceedings of the British Academy*, vol. x. London :

Milford, *s.a.*) may well be recommended as a model for any historian who wishes to survey the development of a special branch of inquiry. There is a note of pessimism in the contrast between the rapid successes of the days when Gross, Miss Bateson, and Maitland were at work and 'the barrenness of the last decade'; but the modest references to Dr. Tait's own work and the happy contributions of new knowledge in this lecture itself give sufficient proof that the study is still alive and advancing. J.

The *Lists and Indexes* of the Public Records Office are expensive volumes to produce, but, while rejoicing that the series is being continued, we cannot but regret that their prices are now such as to put them out of the reach of the private purchaser. No. xlvI deals with the *Records of the Treasury, the Paymaster General's Office, the Exchequer and Audit Department, and the Board of Trade to 1837* (London: Stationery Office, 1921). The variety of these records is so great that almost every student of the last three and a half centuries will find something to interest him. and probably something unsuspected or something in an unexpected place. For some classes, such as the East Florida and American Loyalist Claims, not a mere list is given but an alphabetical index of personal names. K.

Professor Allen Mawer's lecture on *Place-names and History* (Liverpool: University Press, 1922) is interesting reading, and, considering its brevity, is remarkably successful in giving a clear idea of the kind of service which the study of place-names is capable of rendering to historical investigation. The etymologies adduced by way of illustration are very numerous and represent a great deal of careful research. For many of the names explained the early documentary forms are quoted in the notes at the end of the pamphlet. Mr. Mawer's statement that the Old English names *Eoforwic* (York), *Searoburh* (Salisbury), and *Dunwic* (Dunwich, called by Bæda *Domnoc*) are 'folk-perversions' of the British names seems questionable. When the Anglo-Saxons adopted the British name of a town or fort, they usually took over only the first syllable or two syllables, and appended an English word such as *wic*, *burh*, or *ceaster*. As *Ecur* in a British name would by phonetic law inevitably become *Eofor-* in Old English, there is no reason for assuming that the form *Eoforwic* owes anything to popular etymology. *Searo-* in *Searoburh* presupposes an earlier *\*Sarwa-*, which is probably a late British form of *Sorwio-* in *Sorwiodūcn*. The choice of *wic* rather than *burh* or *ceaster* as an appendage to *Evurōc* (*Eburācon*) and *\*Duvnōc* (*\*Dumnācon*) may possibly have been suggested by the ending of the British names, but this is not certain. Asser's British name for Nottingham, *Tig guocobauc*, is misprinted *Tiggu-ocubauc*. Although Asser's language would naturally suggest that he believed the Welsh words, and the equivalent Latin *domus cavernarum*, to be translations of *Snotengeham*, it seems more likely that he was merely quoting the descriptive name given to the place by some Welshman who had visited it. H. B.

Mr. J. E. B. Gover's little book, *The Place-names of Middlesex* (London: Longmans, 1922), is quite a creditable piece of work. The author knows at least so much of Old English grammar as is necessary for

the interpretation of the earliest names (though he seems to be uncertain about vowel-quantity, and mistakes the gender of *wīc*), and he has supplied a fairly ample collection of documentary forms. Many of his etymologies are certainly right, and of those that are unproved very few are actually impossible. Mr. Gover has fallen into a common error with regard to the name of Chelsea. He cites as the earliest form the *Cealchyð* of the Chronicle, which he interprets as 'chalk-hithe', i. e. a wharf at which cargoes of chalk were landed. This would be perfectly satisfactory but for a phonological difficulty, which the author has failed to perceive. According to phonetic law the modern form of *Cealchyð* should be 'Chalkhithe', which would probably have become 'Chalketh' or 'Chalkey'. The fact is that the true form of the name is that recorded in documents of the eighth and ninth century as *Celchyð*, *Celichyð*, *Celichyð*. What the meaning is can hardly be determined. The first element is coincident in form with the Old English *celc*, *cælic*, a cup (from the Latin *calix*); but it is not easy to imagine any reason why the place should have been called 'cup-wharf'. The *Cealchyð* of the Chronicle (which is not earlier than the date of the first scribe of the Parker Manuscript) is simply a scribe's instinctive attempt to make sense of the unintelligible name that he found in his exemplar. If this misspelling be left out of account the development of the name—through *Chelchehethe* (thirteenth century), *Chelsehithe* (fifteenth century), *Chelsyth* (sixteenth century), *Chelsey* (seventeenth century)—becomes perfectly normal. It is decidedly perverse to explain Hammersmith (*Hameresmythe*, *-smythe*, fourteenth century) as containing the Old English *gemȳðe*, 'river-mouth', 'confluence of rivers', preceded by the genitive of the personal name *Hēahmār*. The author remarks that 'old maps mark a small stream flowing into the Thames here', but, apparently perceiving that this is unsatisfactory, he adds the very unlikely guess that 'possibly the great bend in the river at this point gave rise to a fanciful or humorous suggestion of two rivers meeting'. Even if it were possible to regard *gemȳðe* as a topographically admissible etymon, it is not the sort of term that one would expect to find combined with the genitive of a personal name. There is no reason why the terminal element in Hammersmith may not be the Old English *smiððe*, smithy, and the first element may very well be just what it appears to be. Of course, as the name is not recorded earlier than the fourteenth century, it might conceivably have undergone transformation by popular etymology, but obviously we must not assume this without evidence. Wormholt (*Wermeholt*), the older name of Wormwood Scrubbs, really needs no explanation, as the use of the Old English *wyrm* as a general name for reptiles is not confined to poetry. Mr. Gover would derive it from an imaginary personal name *Wyrma*. A few other unsatisfactory derivations might be mentioned, but on the whole the book may be recommended as trustworthy.

H. B.

Recent numbers of the *Law Quarterly Review* contain several articles which historical students will read with profit. In the issue of October 1922 (vol. xxxviii, no. 4) Dr. Churchill continues his study of the dispensing power of the Crown in ecclesiastical affairs. This part deals with the exercise of the dispensing power by the Stuarts in the administration of the

penal statutes for enforcing religious conformity. In the next issue (January 1923, vol. xxxix, no. 1) will be found Professor Holdsworth's inaugural lecture on Charles Viner and the Abridgements of English Law, a useful paper by Sir J. C. Fox on the history of the process of imprisonment at common law since the reign of John (the origin and significance of the writs of habeas corpus), and an elaborate refutation by Judge Dowdall of the view that the word 'state' in its modern political sense is derived from its use in Ulpian or was first used in the fifteenth century of a 'constitution'. Machiavelli used the word *stato* in a concrete, not in an abstract sense.

F. M. P.

The fourth number of vol. ii of the *Antiquaries Journal* (1922) contains a document of 1408 relating to the arrangements made at the death of Sir John Cobham and contributed by Sir Henry Maxwell Lyte. It is beyond our scope to notice the other and more strictly archaeological contents except by saying that the *Journal* is fulfilling the excellent promise of its earlier numbers.

L.

The Baptist Historical Society, which has contributed so much to the history of the Commonwealth and of the reign of Charles II, has unhappily failed to attract subscribers, and has now started a new venture. The *Baptist Quarterly* (London: Baptist Union Publication Department) takes the place of its *Transactions*, but the first volume (1922) devotes only half of its pages to historical matters. In this portion there is nothing very new or interesting for general history, except the report of an illiterate spy in 1682 on the number of Presbyterian and Baptist ministers and congregations in the borough and the fields round London, though not in the city itself. He records ten ministers of the former and thirteen of the latter persuasion, with 5,420 and 4,250 adherents respectively. Among the Baptists were two bodies of Fifth Monarchy men, 300 and 600 strong. One of the churches in the list still survives in south London and calls itself the Church of the Pilgrim Fathers. Dr. Whiteley preemptorily denies the claim, and says that it was founded in 1672. The record of discipline administered between 1689 and 1699 in an important congregation, which met in Thames Street but drew its members from points as distant as Westminster and Wapping, is creditable both in the fewness of the cases and in the spirit in which they were treated. There are a number of articles on local history, especially of Leicestershire. Such information is of high cumulative value, but it is sometimes conveyed in too condensed and too allusive a way, and not sufficiently fortified with dates.

M.

The twenty-sixth volume of the *Yorkshire Archaeological Journal* (Leeds, 1920-22) is now complete. The most important of the articles contained in it is the report on the excavation of the Roman station at Slack, which forms the first of the four parts of the volume. The excavations were carried out in 1913-15 by Mr. P. W. Dodd and Mr. A. M. Woodward. Their report, though in some respects disappointing, gives clear indications of the general character and the date of the fort. It had an earthen rampart with wooden towers at the angles. The barracks also were

for the most part of wood. Its occupation extended over the reigns of Domitian and Trajan, but terminated probably early in Hadrian's reign. It has been suggested elsewhere, with great probability, that the building of Hadrian's Wall produced a change in the disposition of troops in Northern Britain and the abandonment of certain forts, of which Slack probably was one. Two other articles deserve notice. The Rev. C. V. Collier and the Rev. H. Lawrance continue their survey of ancient heraldry in Yorkshire churches, and the publication of Sir Stephen Glynne's church notes for Yorkshire is brought to a conclusion. Sir Stephen Glynne was an industrious and very capable student of ecclesiastical architecture, who filled many volumes, now at Hawarden, with church notes taken all over the country between the years 1825 and 1874. His notes form a useful record of the state of our churches before the era of church restoration had set in.

H. H. E. C.

The nineteenth volume of the third series of *Archaeologia Aeliana* (Newcastle: Kendal, 1922), prefaced by a report recording the high-water mark of membership of the Society of Antiquaries of Newcastle-upon-Tyne, contains fourteen specimens of their useful and interesting spade-work, carried out with the intelligence and minuteness which characterized its group of authors. The longest and most important item is the perambulation of the 'Black Dyke' for the whole of the thirteen miles of its course in an intermittent westerly curve between the South and the North Tyne; this paper, by Mr. G. R. B. Spain, C.M.G., is illustrated by admirable sketch-maps and sections. He disposes finally of the 'Scots Dyke' of Warburton and his followers, and proves that this earthwork is earlier than the Roman wall; but his theory that it and the Catrail represent a line of defence on which some tribes of the northern Brigantes compromised in resisting Agricola in A.D. 80, though attractive, is probably not susceptible of proof. After this come the accounts of the Saddlers of Newcastle by Mr. J. C. Hodgson and of the Mercers of Durham by Mr. A. Hamilton Thompson; the former contains the longer list of names, which will be acceptable to the local genealogist; but the latter has more general interest, since it describes an attempt to keep up a trade-gild by fusion, followed by a rapid decline to something less than a benefit society. For the rest, there are biographical notices of two late members, the Rev. C. E. Adamson, and Mr. R. C. Clephan; very acute notes on the old glass in St. John's, Newcastle, on the shields of Roger Thornton, and on the seals of Newcastle, which could hardly have been produced by any one but Mr. C. H. Hunter Blair; scientific investigation of the descent, &c., of two manors, Beanly and Harehope, by Mr. J. C. Hodgson; a careful survey of the little that is known about Benwell Tower, the peel of which remains within the modern residence of the bishops of Newcastle; interpretations of two newly discovered inscribed stones, an altar dedicated to the mysterious 'duobus (or *deabus*) Alaisiagis', and a centurial stone from Housesteads; an agreeable 'reconstruction' of Tynemouth Priory church; and corrected transcriptions of some deeds formerly at St. Andrew's, Newcastle. In the last item it is worth noting that the simple word 'armig'o' was misread in the past by one antiquary

as 'younger' and by another as 'Mungo'. But we must end with a caution to some modern antiquary to take warning from such examples. There are too many mere misprints in this volume. Most of them do not matter; but when one reads (p. 106) of the *conventional* portion of *Tubbury*, one begins to wonder whether such forms as Oliple (for Shipley) and Tytebugto' (for Titlington) are to be credited to the original document, or to the transcriber of it, or only to the printer. H. E. D. B.

The seventy-fifth volume of the *Collections* of the Massachusetts Historical Society (1922) contains a list of 3423 Broad-sides, Ballads, &c., printed in Massachusetts between 1639 and 1800, which has been put together by Mr. Worthington Chauncey Ford. The broadside, which played so leading a part in England before the development of the news-sheet and newspaper, was seldom used in Massachusetts in the first century of its history; nor was the development of illustration by woodcut more rapid. It is significant that the greatest activity in the employment of broadsides was on the part of the British government; whilst, owing to the use of newspapers, they ceased to have historical interest after 1800. The definition of a broadside is not fixed; but, in the present instance, it applies 'to almost any issue of the press which has not a proper title-page, whether printed on a single leaf or on a number of leaves, whether carrying page numbers and signature-marks or without such usual indications of a pamphlet or volume'. The collection has been made with great industry and care; but its historical importance does not seem to be great. The value of the volume is enhanced by numerous admirable illustrations, facsimiles of Proclamations, &c., and reproductions of woodcuts, some of which are very quaint and interesting. H. E. E.

The sixth volume of the second series of *Papers of the American Society of Church History* (New York: Putnam, 1921), which is slighter than its predecessors, contains two full and useful papers, on Christian work among the North American Indians in the eighteenth century, by Professor E. J. Payson, and on the training of the protestant ministry in the United States before the establishment of theological seminaries, by Dr. W. O. Shewmaker. Both are full and learned and contain a good deal that is new; but Dr. Shewmaker, who writes almost as an apologist, lays too much stress on the academical training of many of the clergy and conceals, no doubt unintentionally, another side of the story which is revealed in the much livelier paper on the same subject by Dr. Jesse Johnson in the previous volume of the same series. No doubt he wrote too early to profit by Dr. Seymour's work on the Commonwealth church in Ireland, where the merits of the American puritans were attested by the number invited to take up a work for which a high standard of character and intelligence was demanded by the Cromwellian government. The other papers are a sound popular lecture by the president of the Society, Dr. Schaff, on the Council of Constance, in which he describes Hallam as bishop of Chichester, and a survey of recent Roman Catholic work in church history, by Professor P. J. Healy of the university of Washington. It is a well-chosen descriptive list of publications, from which the author naturally omits his own excellent book on the Valerian persecution. N.

# THE ENGLISH HISTORICAL REVIEW

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## *John of Salisbury at the Papal Court*

OF John of Salisbury's life down to the completion of his twelve years' course of study in France we possess a full account in an often-quoted chapter of his *Metalogicus* (ii. 10). The last sixteen years of his life, from the time when he was compelled to leave England, shortly before the breach between Henry II and Archbishop Thomas, are also abundantly illustrated by a large correspondence and by the many writers who were concerned in the long controversy which followed. But for the intervening period, from 1147 to the end of 1163, our information is partial and defective.

Carl Schaarschmidt, whose invaluable life of John was published in 1862, thought that at the conclusion of his studies in France he passed at once into the employment of Archbishop Theobald of Canterbury,<sup>1</sup> and continued in his service until he quitted England in 1163. This was a warrantable inference from a passage in the prologue to the *Policraticus*, written in 1159, in which John says that he has been engaged in official life for more than twelve years (*iam enim annis fere duodecim nugatum esse taedet*), and these years of service, in default of other evidence, it was natural to place at Canterbury. But, sometime after Schaarschmidt wrote, a precious fragment known as the *Historia Pontificalis*, which had hitherto entirely escaped notice, was published in the *Monumenta Germaniae*.<sup>2</sup> Its editor, Wilhelm Arndt, had no inkling of its authorship, but five years later Giesebrecht proved conclusively that it was written by John of Salisbury.<sup>3</sup> But it was not until 1881 that Reinhold Pauli pointed out the

<sup>1</sup> *Iohannes Saresberiensis*, p. 27.

<sup>2</sup> *Scriptores*, xx. 517-45, 1868.

<sup>3</sup> 'Ueber Arnold von Brescia,' in the *Sitzungsberichte* of the Munich Academy for 1873, pp. 122-54.

value of the work for John's biography.<sup>1</sup> It includes in fact a series of notices relative to the personal history of the pope which are not written at all in the manner of the medieval chronicler. They are so vivid and incisive that Pauli decided at once that they are the observations of an eye-witness. This hypothesis is confirmed by several references in John's other works which it had previously been difficult to put into their places. Once it has been suggested, it carries conviction; and it has been my good fortune to discover positive evidence of its truth. We may take it, then, as settled that at least from the time of the council of Rheims, in the spring of 1148, John of Salisbury was attached to the pope's household, and we cannot doubt that he was there in the capacity of a clerk.<sup>2</sup> But as he attended the council we may presume that he was already in the pope's employment, and I propose to show that there is a high probability that he came with Eugenius III from Italy. For this it is necessary to go back a little.

The chapter in the *Metalogicus* is a digression in a treatise concerned with logic. Hence, while John describes the five years of his dialectical studies with copious illustrations, he says very little about the theological course which began in 1140-1 and must have occupied nearly six years. He attended in succession Gilbert of La Porrée, Robert Pullus, and Simon of Poissy. There has been some trouble about fixing the dates of these courses, because it used to be supposed that Gilbert left Paris in 1141 and that Robert was made cardinal by Innocent II, who died in September 1143. It has now, however, been established that there is nothing to show that Gilbert quitted Paris until he was made bishop of Poitiers in 1142,<sup>3</sup> and Robert was undoubtedly still at Paris after Lucius II was made pope in 1144; it was Lucius who called him to Rome as cardinal some time before 4 January 1145.<sup>4</sup> So the tedious lectures of Simon need not be extended beyond 1146 or 1147. Schaarschmidt, supposing erroneously that Robert was appointed cardinal in 1141, had difficulty in making out the 'near twelve years', beginning with 1136, during which John studied in France.

<sup>1</sup> 'Über die kirchenpolitische Wirksamkeit des Iohannes Saresberiensis,' in the *Zeitschr. für Kirchenrecht*, xvi. (1881) 265-87.

<sup>2</sup> He mentions that he was present both in ch. ix (*quod vidi, loquor et scribo*) and xi (*qui presens aderam*). Cf. *Policrat.* ii. 22, vol. i. 124, ed. Webb.

<sup>3</sup> *Ante*, xxxv. 333.

<sup>4</sup> *Ibid.*, pp. 335 seq. Robert subscribes a bull dated 4 January 1145 as cardinal priest of St. Martin's (Kehr, 'Papsturkunden in Parma und Piacenza,' in the *Nachrichten* of the Göttingen Gesellschaft der Wissenschaften for 1900, p. 40); on the 31st he dates as chancellor (Bresslau, *Urkundenlehre*, i. 241, ed. 2, 1912). The two appointments are carefully distinguished by the Oseney annalist (*Ann. Monast.*, ed. Luard, iv. 20. 'a papa Lucio secundo vocatus et in cancellarium sanctae Romanae ecclesiae promotus est').

He therefore proposed an hypothesis that he spent at least two years with his friend Peter, abbot of Montier-la-Celle, in the suburbs of Troyes.<sup>1</sup> This supposition is devoid of foundation. Though Peter certainly held the abbacy as early as 1146,<sup>2</sup> there is nothing to show that John enjoyed his hospitality, at any rate for more than a short time, until a number of years later.

Now Cardinal Robert Pullus was active as chancellor of the Roman church until 2 September 1146, after which date his name is not found in bulls. Possibly he died soon afterwards; the next cardinal of his title appears to have been nominated in 1150. I am inclined to conjecture that it was through his instrumentality that John was invited to enter the pope's service. John was his pupil and doubtless his most brilliant pupil, and he needed to earn his living. English scholars were beginning to tend towards Rome to gain experience and other advantages. When Nicholas, the future Pope Adrian IV, was made cardinal bishop of Albano, in 1146, the pace was increased; in that same year we find Hilary, as clerk in the papal chancery, acquiring that reputation for learning and discretion which led him to the see of Chichester.<sup>3</sup> Like him, it appears to me probable that John was brought to Rome by Cardinal Robert.

Besides the fact to which I have adverted, that John was in the pope's service at the time of the council of Rheims, there is a passage in the *Historia Pontificalis* which impresses one, not less surely than those on which Pauli has commented, as written by a man who was in Italy at or near the time of the events he describes. This is the chapter relating to Arnold of Brescia. Giesebrecht has shown how large a number of particulars concerning this stimulating and meteoric personage have been added to our knowledge by the *Historia Pontificalis*. Here I limit myself to the evidence as to the time and circumstances of Arnold's return to Italy. Arnold, we know, was driven out of France not long after the condemnation of his master, Abailard, at the council of Sens in 1140 or 1141—the date is disputed—and took refuge first at Zurich and then probably in Bavaria. The time at which he went back to Italy has been assigned by Otto of Freising to two discrepant dates. He says<sup>4</sup> that when Arnold heard of the death of Innocent II, in September 1143, he returned to Rome about the beginning of the pontificate of Eugenius III. But there were two popes, Celestine II and Lucius II, in the interval. Then, after describing the revolution which Arnold instigated in Rome, Otto says that these con-

<sup>1</sup> p. 27.

<sup>2</sup> C. Lalore, *Cartul. de Montier-la-Celle*, no. 260, Troyes, 1882.

<sup>3</sup> See a paper by Mr. Round in the *Athenaeum* journal, 3613, pp. 115 seq., 23 January 1897.

<sup>4</sup> *Gesta Friderici*, ii. 20 [27].

vulsions went on from the death of Celestine II, in March 1144. It is plain that Otto was not well informed about the details of what happened, and we must observe that in his chronicle,<sup>1</sup> in which he treats at large about the movements at Rome down to the early part of 1146, he says not a word about Arnold. When, however, we turn to the *Historia Pontificalis*, ch. xxxi, we find a precise statement as to the circumstances of Arnold's return to Italy.

When Arnold after the death of Pope Innocent went back to Italy, he promised to make satisfaction and submission to the Roman church, and was received back to communion by Pope Eugenius at Viterbo. Penance was enjoined to him, which he promised to perform by fasts, vigils, and prayers in the holy places at Rome; and he took a solemn oath of obedience to the church. But while he lived in works of penance at Rome, he acquired favour in the city, and when the pope set out on his journey towards France, he began to preach more freely and to gain a following, which was known as the sect of the Lombards.

This notice enables us to reconcile the apparent discrepancies in Otto's account. Arnold returned to Italy some time after September 1143, but was not reconciled with the church until he made his submission to Eugenius at Viterbo. Now this pope resided at Viterbo in 1145 from April to November, except for an interval between 18 August and 22 September. He was also at Viterbo from 23 May 1146 to the end of the year. Giesebrecht takes it for granted that Arnold became reconciled in the former year, but the silence of Otto of Freising in his account of what happened in the early part of 1146 disposes me to believe that it was in that year that the submission was made. John of Salisbury's description has all the appearance of having been written with fresh knowledge at first hand, and if Arnold had his interview with the pope towards the end of 1146 and John entered his service about the same time, the matter is completely explained.

Here it may naturally be objected that this arrangement of the dates does violence to John's statement that he was engaged in divers studies, as distinguished from official business, for near twelve years, since he went to France in the year following the death of Henry I, on 1 December 1135. Even if he left England in January 1136 his twelfth year would not begin until January 1147. But this is not the only instance of his reckonings of time being stated a little inexactly.<sup>2</sup> If we wish to save his accuracy, we may suppose John to have entered the service of Pope Eugenius during the course of his journey through France, perhaps during his stay at Paris between April and June 1147.

<sup>1</sup> vii. 27, 31, 34, ed. A. Hofmeister, 1912.

<sup>2</sup> Compare my *Illustrations of the History of Medieval Thought and Learning* p. 181, n. 7, 2nd ed., 1920.

In this case his account of Arnold of Brescia at Viterbo will not have been, as I have presumed, written with knowledge at first hand. On the whole, it seems to me more likely that John's *paene duodecennium* is an accidental exaggeration, and that he was in fact in Italy towards the end of 1146. In any event I do not doubt that John was the pope's clerk before the council met at Rheims in March 1148.

From this point, if we follow Pauli's guidance, the course taken by John is plain. He attended the pope on his journey back to Italy, travelled by way of the Great St. Bernard, and reached Cremona by 7 July. On the 15th the pope was at Brescia, where he stayed until October. John, whose plan was not to relate events strictly in the order of time, speaks first of the reception of the envoys of the archbishop of Canterbury at Brescia (ch. xviii), and later on of the council held at Cremona (ch. xxi). But the council was certainly in July. John says that the pope was then on his way to Rome (*iturus Roman*); he may have made another short visit to Cremona before going on to Pisa. From this place he travelled southwards and was at Viterbo on 30 December. His documents are dated from that place down to 25 March 1149. After this there is a gap, and his next letters are from Tusculum on 8 April. Now John states precisely (ch. xxi) that Eugenius entered Rome and was received with honour by the nobles, who were soothed by the rich presents which he brought with him from France. But he found his position there intolerable on account of the claims to jurisdiction made by the newly established senate. Therefore he went on to Tusculum (ch. xxvii). This statement in the *Historia Pontificalis* has been generally discredited; it has been supposed that John is describing what took place a year later.<sup>1</sup> But I see no good reason to doubt the facts as John related them.

In 1149 Palm Sunday fell on 27 March. The distance from Rome to Viterbo was reckoned as two days' journey,<sup>2</sup> which the pope may well have performed in the early days of Holy Week. Then he could keep Easter, 3 April, at Rome. He was able to obtain admission with the help of large gifts to the nobles in authority, but he could not remain there on account of the worthlessness of the Romans, the claims to jurisdiction, and other demands made on him (ch. xxvii). He therefore proceeded to Tusculum. This must have been in Easter week, for his chancery was again at work on the Friday, 8 April. John's notices fit in exactly with the dates of the church year, and account for the interval in the pope's documents in the fortnight after 25 March.

<sup>1</sup> See Giesebrecht, *Gesch. der Deutschen Kaiserzeit*, iv. (1875) 485.

<sup>2</sup> See the itinerary in Matthew Paris, Cotton MS. Nero D. i, printed by Palgrave, *English Commonwealth*, ii. 21 n., ed. 1921.

When he was established in safety at Tusculum, Pope Eugenius made preparations for an attack on the unruly Romans. He equipped a force which he placed under the command of Cardinal Guy Puella, and received military support from the king of Sicily. But the operations, though very costly, had little success (ch. xxvii). It was not until late in November that the pope was able to take up his residence in the Lateran palace, where he stayed until the summer of 1150. During this time I believe, though the evidence is perplexed, Henry of Blois, bishop of Winchester, visited Rome. Of this visit John gives a lively description. He had previously mentioned that Archbishop Theobald had released the English prelates from the suspension which they had incurred by failure to attend the council of Rheims, but had excepted Bishop Henry, who went to Rome to make satisfaction in person (ch. xl); he was required to do this within six months—that is, before September 1148 (ch. iv). That he paid his visit to Rome so early is more than doubtful. Pauli suggested that it was during the pope's residence in the city from November 1149 to June 1150, and this date is strongly confirmed by John's statement that he was received into favour through Guy de Summa, bishop of Ostia; for Guy died before 14 April 1150, when his successor Hugh appears in the subscriptions of bulls.

Some light is thrown on the bishop's movements by the chronicle of John of Hexham. There had been a long dispute about the succession to the see of York. William fitz Herbert, known as St. William, had been consecrated by Bishop Henry of Winchester on 26 September 1143;<sup>1</sup> but the appointment was not approved by the party which opposed King Stephen, and Pope Eugenius, on 7 December 1147, consecrated Henry Murdac, abbot of Fountains, in his place. When the new archbishop attempted to occupy his diocese, he met with strong resistance, especially from Hugh of Puiset, the treasurer of York, nephew of the bishop of Winchester, whom he placed under excommunication. The Hexham chronicler adds, 'About this time' (*his temporibus*) Henry, bishop of Winchester, went to Rome,<sup>2</sup> and persuaded the pope to write to Archbishop Henry urging him to deal more gently with Hugh. Hugh, he tells us, was in charge of the bishop's lands and had military command of his castles. This notice, therefore, refers to a time subsequent to that in which Hugh was actively engaged in opposing Archbishop Henry in Yorkshire. John of Hexham relates that Hugh

<sup>1</sup> Stubbs, *Reg. sac. Anglic.*, p. 46, 2nd ed., 1897; John of Hexham, under 1144 (*Symeon of Durham*, ii. 315, ed. Arnold, 1885): from 1141 onwards his dates are a year too late.

<sup>2</sup> He enters this under 1149, p. 322, but the year must be corrected as above.

was released from his excommunication at Yarm at the end of his entries for the year 1150,<sup>1</sup> but Hugh the Chantor of York, with more probability, mentions the fact under 1151.<sup>2</sup> If we take Hugh's reconciliation to have been effected early in 1151, it follows that Bishop Henry was at the papal court in the latter part of 1150 at latest. The mention of Cardinal Guy leads to the conclusion that he was at Rome quite early in the year.

Against this we have to set the express statement in the Annals of Winchester that the bishop quitted England in 1151. It is true that this annalist, who wrote long after the time, is very loose in his dates : he says, for instance, that Eugenius III was elected in 1148 instead of 1145, and he makes Abbot Geoffrey of St. Albans die four or five years too late. Still one has difficulty in believing that he erred as to the year when his own bishop went abroad. Nor need much stress be laid on the fact that in 1151 the pope was not for a single day in Rome ; he was at Ferentino and Segni. An Englishman visiting the pope would naturally be said to be going to Rome, though the pope might at the time be somewhere else. The chronological arrangement of the *Historia Pontificalis* is so loose that no stress can be laid on the fact that Bishop Henry's visit to Rome is related after events of 1151. If we accept the date in the Winchester Annals, we must suppose that Bishop Henry made preparations for his reception a year before he went and secured the mediation of Cardinal Guy so long before his departure as the beginning of 1150. But this involves a straining of the statement in the *Historia Pontificalis*.

I take it then that in the first months of 1150 the bishop obtained his absolution, but nothing would induce the pope to grant his request that he should be made archbishop of the west of England<sup>3</sup> with legatine authority. So Henry betook himself to buying ancient statues at Rome, which he sent to Winchester. Whereupon a certain grammarian, with a long beard and the air of a philosopher, mocked at him in the words of Horace :

Insanit veteres statuas Damasippus emendo (ch. xl).

After a time Bishop Henry returned to England, sailing to Spain and visiting the shrine of St. James on his way. His residence in Italy and his journey home detained him from duties at home for two or three years. He excused his absence from the consecration at Canterbury of Bishop Richard Belmeis II of London on 28 September 1152 on various grounds, including the danger of

<sup>1</sup> According to his reckoning 1151, p. 325.

<sup>2</sup> *Hist. of the Church of York*, ii. 225, ed. Raine, 1886.

<sup>3</sup> The Winchester Annalist, a. 1143, places the bishop's attempt to get his see raised to an archbishopric in the time of Innocent II ; but he candidly adds, *Quo anno profectus fuerit non affirmo*.

travelling and bodily ailment ; but he may indeed have been then still out of England.<sup>1</sup> We must not forget that from the day when Bishop Henry was superseded as legate by Archbishop Theobald under Celestine II the relations between the two were strained, and Henry avoided intercourse in England by long visits to the Continent. Having gone abroad in 1155,<sup>2</sup> if we follow the chroniclers, he had not returned home in 1161.<sup>3</sup> In 1157 Theobald wrote urgently begging him to come back.<sup>4</sup> It is only an incidental notice that informs us of his presence in England in the spring of 1159.<sup>5</sup> There is, therefore, nothing surprising if he protracted his foreign travels from 1149-50 to 1152.

The description of the bishop buying ancient statues is unmistakably written by one who was in Rome at the time, and probably, as Pauli suggests, the philosopher with a long beard is a disguise under which John of Salisbury cloaks his own comments on the bishop's doings. In the summer of 1150 the court left Rome and went by way of Anagni to Ceprano on the southern frontier of the papal dominions. Here Eugenius had an interview with King Roger of Sicily, and an agreement was made about certain questions of ecclesiastical policy (ch. xxxii). The situation of the town made it convenient for dealing with other matters in the Norman kingdom ; and when John gives a long description of a suit for divorce brought before the pope by a certain Apulian Count Hugh, the hearing of which he attended (*hiis presens interfui*), we may well suppose that this took place on the same occasion. The chancellor of Sicily was then Robert of Salesby, an Englishman, whose official career extended from 1140, or even earlier,<sup>6</sup> until October 1151.<sup>7</sup> It may have been at Ceprano that Robert entertained the visitors with wine from Palermo and Greece, whose injurious effects John remembered long afterwards (*quo me Siculus cancellarius ad pernitiem salutisque dispendium potare consueverat*) ;<sup>8</sup> at least we know of no other time during the period of Robert's chancellorship at which John was brought into relation with the Sicilian court.

In November 1150 the pope went to Ferentino, where he resided until the following summer. That John was with him is known from an express statement in the *Policraticus* (vi. 24). He also mentions in one of his letters that he was present at Rome when envoys arrived announcing the election of Frederick Bar-

<sup>1</sup> Rad. de Diceto, 'Ymagines Historiarum', in *Hist. Works*, i. 296, ed. Stubbs.

<sup>2</sup> Rob. of Torigny, *s. a.* (*Chron. of Stephen*, &c., ed. Howlett, iv. 186).

<sup>3</sup> Rad. de Diceto, *s. a.*, p. 304.

<sup>4</sup> John of Salisbury, *epist.* xcvi.

<sup>5</sup> Richard of Anesty's journal, in Palgrave, *Engl. Commonwealth*, ii. 14.

<sup>6</sup> Caspar, *Roger II*, p. 431, 1904.

<sup>7</sup> K. A. Kehr, *Die Urkunden der Normannisch-Sicilischen Könige*, p. 49, 1902.

<sup>8</sup> *Epist.* lxxxv.

barossa in the spring of 1152.<sup>1</sup> The pope was then at Segni, and John must have been commissioned to attend their reception, presumably in the suite of one or more cardinals. If further confirmation be needed of John's familiarity with the papal court at this time, we may observe that, when writing many years later about the high personal integrity of the cardinals, the examples he cites are those of cardinals who were in office in these years, Guarinus, bishop of Palestrina (1144-54), Guy, cardinal of St. Pudentiana (1145-57), and Bernard, cardinal of SS. Cosmas and Damianus (1152-3);<sup>2</sup> just as in the *Historia Pontificalis* (ch. xxxix) he gives a pointed characterization of the two cardinals, Octavian and Jordan, who were sent to Germany in 1151, such as could hardly have been written by one who had not known them well. It is not without interest to notice that Cardinal Nicholas of Albano, the future Pope Adrian IV and one of John's closest friends, was in attendance at the court both at Ferentino and Segni; and that the pope's documents at that time were 'dated' by another Englishman, Boso, afterwards cardinal and the biographer of Pope Adrian.<sup>3</sup>

Pauli was unable to find evidence that John continued in the pope's service after the death of Eugenius III in July 1153. He was, however, at Rome until some time after the election of Anastasius IV. This we learn from a letter of Peter, abbot of Celle, the testimony of which has not hitherto been quoted.<sup>4</sup> The abbot, writing to John, mentions that an appeal had been made at Rome in defence of the rights of his house over the cemetery of St. Serenus at Chantemerle, which the abbot and canons regular of that monastery had attempted to impugn, in violation of a bull of Anastasius IV, 'which bull', he adds, 'you yourself have seen and had a hand in drawing up' (*contra privilegium Anastasii papae, quod tu ipse vidisti et partim fabricasti*).<sup>5</sup> No more welcome confirmation of a long series of plausible surmises could be desired. We now know that John was a clerk in the papal chancery employed in the composition of the pope's rescripts. It is not unlikely that he then acquired practice in the beautiful style of writing used in the chancery, for there still exists a document of Archbishop Theobald, produced most

<sup>1</sup> Epist. lix., pp. 64 seq.

<sup>2</sup> *Policrat.* v. 15; vi. 24. The account of Cardinal Martin, who died before 1144, in the former passage does not conflict with this statement, for John is careful to say that he is quoting from St. Bernard, *de Consideratione*, iv. 5.

<sup>3</sup> Pflugk-Harttung, *Acta Romanorum Pontificum inedita*, iii. (1886) 101-11.

<sup>4</sup> Epist. iv. 9, ed. Sirmond, 1613. The letter is numbered 72 in Janvier's edition, reprinted in Migne, ccii.

<sup>5</sup> The bull, dated 13 December 1153, is still preserved in the departmental archives at Troyes, from which it is printed by Pflugk-Harttung, i. (1881) 214. It has also been published from two chartularies by Lalore, *Cartulaire de Montier-la-Celle*, no. 195.

likely while John was in his service, which displays many of the characteristics of the Roman handwriting and which may possibly be in John's own hand.<sup>1</sup>

But though it is now established that John was still in Rome after the election of Anastasius IV, he probably contemplated a return to England some time earlier. St. Bernard wrote a letter<sup>2</sup> recommending him to Archbishop Theobald, in which he says that he had introduced him in person, no doubt at the council of Rheims, and now testifies to his merits by letter. As Bernard died on 20 August 1153, if the letter was obtained to assist John's prospects in England, it must be one of the latest of the saint's compositions. But it is not impossible that John secured the letter a good deal earlier and kept it for use when the occasion arose. When the saint asks Theobald to make provision for him that he may get a respectable, or even a distinguished living, and adds, 'Do this speedily, for he has not whither to turn' (*Providete ei unde honeste, immo honorabiliter, vivere possit; sed et hoc velociter, quia non habet quo se vertat*), we may suspect an element of rhetorical exaggeration from which letters testimonial are seldom free. For John was still, as we have seen, in the pope's employment as late as the beginning of the winter of 1153; so that, as the journey from Rome to England was reckoned to occupy seven weeks, we cannot be far wrong in believing that he did not enter the archbishop's service at Canterbury until the beginning of 1154.

REGINALD L. POOLE.

<sup>1</sup> This document, which is reproduced in *Facsimiles of Charters in the British Museum*, i, plate 28 (1903), is later than the death of Queen Matilda (3 May 1152) and before the death of Stephen (25 October 1154); for it omits the mention of the queen which appeared in the charter which the archbishop confirmed.

<sup>2</sup> Epist. cccxi.

*'Adventus Vicecomitum,' 1272-1307*

THE exchequer under Edward I furnishes an almost unexplored field of research for the student of historical records. Madox, it is true, dealt with the subject in his *History of the Exchequer*, but he used little material beyond the Memoranda Rolls.<sup>1</sup> No attempt has been made to compare the material contained in the Pipe, the Memoranda, and the Receipt Rolls with a view to ascertaining the exact relations which these rolls bear to each other, or the actual practice of the exchequer, when the sheriffs attended there for the profer and the audit. Valuable material is, however, available for such an attempt, and much may be learnt from an examination of the rolls along these lines. I have already undertaken such an analysis of certain sections of the Memoranda and Pipe Rolls in the later part of Henry III's reign,<sup>2</sup> and I now propose to carry this investigation up to the time of his son's death, enlarging the scope of the inquiry, since the records of the second period are fuller.<sup>3</sup> The points to be discussed in the present article fall, as a result, into two main divisions, as they concern (a) the profer, and (b) the audit. In the case of the profer, the main points are (1) the relation between the payments into the treasury recorded on the Receipt, the Memoranda, and the Pipe Rolls, (2) the regularity of the sheriffs' attendances at the lower exchequer for the profer, (3) the decrease in the number of payments at the profer in the last ten years of the reign, and (4) the value of these payments for the whole period. The questions in connexion with the audit will then be examined in their turn: they are (1) whether the sheriffs attended regularly at the upper exchequer for the audit, (2) what principles were followed by the scribe in entering the accounts on the Pipe Rolls,<sup>4</sup> (3) what method he adopted in

<sup>1</sup> Modern writers have confined their attention almost entirely to the exchequer in the eleventh and twelfth centuries. Professor Tout, in his *Chapters in Mediaeval Administrative History*, deals, however, with the relations between the exchequer and the wardrobe at this date.

<sup>2</sup> *Ante*, xxxvi. 481-96.

<sup>3</sup> I am deeply indebted to Mr. Hilary Jenkinson of the Public Record Office for help in overcoming the numerous difficulties which presented themselves in the course of this investigation.

<sup>4</sup> The *Introduction to the Pipe Rolls* (Pipe Roll Soc.) deals with this subject in the time of Henry II, while Mr. C. G. Crump has considered some of the problems connected with the Pipe Rolls of Henry III in his review of *The Great Roll of the Pipe 26 Henry III*, ed. by H. L. Cannon, *ante*, xxxv. 262.

calculating the sheriffs' liabilities at the end of their accounts, (4) what relation existed between the debt at the end of the Pipe Roll sum and that entered under the Precepta on the Memoranda Rolls, and finally (5) what light these entries in the Precepta throw on the sheriffs' position at the end of the reign. Throughout the article, an attempt will be made to give some idea of the mutual connexion of the three sets of rolls examined, and the complexity of these exchequer records of the time.

Tables of statistics, similar to those in my former article, have been compiled, the principles followed being the same as those already laid down, any deviations therefrom being duly noted as they occur. Thus the list of twenty-four administrative areas, covering in all thirty-four counties, is identical in both cases, the counties omitted being Cheshire, Cornwall, Durham, Rutland, and Westmorland. Lancashire ought, perhaps, to have been left out, but it has been included, in order to bring the present lists into conformity with those already printed. London and Middlesex have again been treated as a single administrative unit, ruled over by a single sheriff, though two of these officials actually held office at a time in the city. Moreover, the division into five-year periods has been once more employed, its advantage being that a more accurate estimate of the position can be obtained, if the figures for five years are grouped together, than if each year is considered separately. This is due to the fact that the amount collected on the summonses varied considerably from year to year. Thus the reign falls into seven five-year periods, the figures for the first of which have already been printed, but are repeated here, so as to complete the tables for this reign.<sup>1</sup> With regard to chronology, it was found in the previous article that the sheriffs used to spend a year in collecting the money, and proceeded to render their accounts, on days fixed by the exchequer, during the nine months succeeding the Michaelmas profer.<sup>2</sup> This point will be clearer if we take a particular year and follow up the normal procedure. Thus, if a sheriff came into office at Michaelmas 21 Edward I, he would collect his first year's money between that date and Michaelmas 22 Edward I: his two profers, or half-yearly payments at the exchequer, would then be made at Easter and Michaelmas 22 Edward I.<sup>3</sup> The amount paid at each of these terms was

<sup>1</sup> The grouping of the years is, however, slightly different here, owing to the fact that in all three tables the first five-year period began in 1273. No attempt has been made to bring the figures for the profer and the audit into close relation with each other in the present article, since it is not necessary to trace the connexion between the statistics and the political history of the reign.

<sup>2</sup> See also Tout, *Charters*, ii. 97-8, n. 3.

<sup>3</sup> As Edward I's regnal year began on 20 November, the exchequer terms are Easter and Michaelmas 22 Edward I, or more accurately the latter may be described

recorded on the Receipt and Memoranda Rolls under the term and year in which the payment was made, not that in which the money was collected. In the Memoranda Roll, the profer appears under the Adventus Vicecomitum, the Easter profer being on the roll 21-22 Edward I, Easter term, and that of Michaelmas term on the roll of the next year, under Michaelmas term. Finally the audit of this account would be heard between Michaelmas 22 Edward I and the end of the following July, the Pipe Roll being that of 22 Edward I. In compiling the tables, the Adventus Vicecomitum have again been used for the profer, but for the tables of attendances at the audit the Pipe Roll entries under the term have been consulted, as they are more reliable at this period than the Precepta which, after 4 Edward I, took the place of the Compoti Comitatum on the Memoranda Rolls.<sup>1</sup> On the other hand, the 'facta summa' entries under the Precepta have been employed to ascertain the true facts as to the financial position of the sheriffs at this date.<sup>2</sup>

Before coming to the first main division of our subject, we have to consider what are, in theory, the stages of the sheriff's account at the exchequer. Madox divided it into three stages—the profer, the view, and the sum. He defined the profer as a prepayment made by the sheriff twice a year out of the issues of his bailiwick; the view, as the forepart of the account, before the warrants were produced to prove the payment of the allowances; and the sum as the end of the account when the total was cast. Do these definitions require any modification at this date? Is there in fact a final stage after the sum had been made up, in which the sheriff obtained his allowances and made a final payment, or payments, on the account? Such a final view, as we shall see later, was undoubtedly taken during Edward I's reign, the record being found on the Memoranda Rolls.<sup>3</sup>

The sheriff's payments into the exchequer at the profer were entered, not only on the Memoranda Rolls under the Adventus Vicecomitum, but also on the Receipt Rolls, whilst the Pipe

as Michaelmas 22-23 Edward I. In the previous article it was stated that, theoretically, the sheriffs made their profers at Easter, and rendered their accounts at Michaelmas. In practice they certainly made two profers in the year, this being also the practice of the exchequer in the seventeenth century (Sir Thomas Fanshawe, *Practice of the Exchequer*, p. 47).

<sup>1</sup> The King's Remembrancer's Memoranda Rolls are used for this purpose, the Lord Treasurer's being consulted in case of doubt. The latter are used for the 'facta summa' entries in the Precepta, as they are more complete than the former.

<sup>2</sup> These entries were not only made in the case of the sheriffs, but also for the accounts of the bailiffs of liberties. The references in the present article are confined to the 'facta summa vicecomitis'.

<sup>3</sup> Madox, ii. 153-62. He makes no clear reference to the final view found on the Memoranda Rolls, though it was apparently known by that name at least as early as 28 Edward I. See Memoranda Roll, King's Remembrancer, 73, m. 69 'Et super hoc datus est ei dies . . . ad finalem visum suum super premissis faciendis'.

Rolls contain notes that sums were paid into the treasury.<sup>1</sup> What is the relation between these sets of payments, and how can they be used to check each other? The Receipt Rolls recorded all payments into the treasury from whatever source they came: the sheriffs' accounts on the Pipe Rolls showed the amount paid on any particular debt by means of the formula 'in thesauro  $\text{£}x$ '. Theoretically the latter also registered the payment of the king's revenue, especially the county revenue, as shown at the upper exchequer at the audit.<sup>2</sup> (1) If we examine the relation between the Receipt Rolls and the Memoranda Rolls, we find that the former showed the payments in the chronological order in which they were made throughout the whole year. Thus on every Receipt Roll the sheriff made payments on at least two years' accounts, namely on those of the current year for which he was directly responsible at that date and on those of the preceding year which were then being audited at the exchequer. The sums belonging to the second class were normally entered as 'de remanencia compoti sui', and were often paid at a date subsequent to the end of the account.<sup>3</sup> Moreover, all payments made for the current year did not belong to the profer, but only those which the sheriff made, when he brought up his money at Easter and Michaelmas.<sup>4</sup> Accountants frequently brought up further sums during the course of the term, but these were not included under this heading. It is absolutely necessary for us to make this point clear, as the relations between the sums of money entered on the different rolls depend upon it. The clerk who made up the Adventus Vicecomitum was interested in the profer and in nothing else; so that if we want to compare this summary with the Receipt Rolls, we must extract from the latter the entries referring to the profer only, omitting all payments by the sheriff for other purposes. Again, the Adventus recorded the total profer for each term county by county: the Receipt Roll placed it under at least two, and usually three, headings, namely the ferm, the summonses, and the annual rents which the sheriff had to collect beyond his ferm, such as the rents for serjeanties, purpresures, and assarts.

<sup>1</sup> Mr. Hilary Jenkinson in his 'Financial Records of the Reign of John' (*Magna Carta Commemoration Essays*) gives a review of these series of rolls, not only in the thirteenth century, but also in the early fourteenth.

<sup>2</sup> *Introduction to the Pipe Rolls*, pp. 42-52.

<sup>3</sup> Robert de Glamorgan, sheriff of Surrey and Sussex, is shown by the 'facta summa vicecomitis' entry under the Precepta, Memoranda Roll, Lord Treasurer's Remembrancer, 64 (1292-3), m. 68 d., to have paid in  $\text{£}35$  18s. 11d. in one tally on the day after St. Hilary, and  $\text{£}19$  in one tally at a later date—probably about the octave of the Purification. Receipt Roll 123, Michaelmas Term 1292-3, shows these sums to have been paid on 15 January and 9 February 1292-3, 'de remanencia compoti sui'.

<sup>4</sup> Madox, ii. 153. At the end of the reign the Receipt Rolls show that the profer was even being anticipated by payments during the preceding six months. See below.

(2) The Pipe Roll scribe, on the other hand, followed an entirely different procedure from that of either the Receipt or the Memoranda Roll, a procedure which makes it extremely difficult to connect the sums entered on his membranes with the corresponding items on the other rolls. In other words, we find that the 'in thesauro' entries there are frequently summaries of payments into the receipt, spreading over a number of years, with no further indication of the number of instalments paid than is afforded by the number of tallies received by the debtor, if that item of information was entered on the roll. An excellent example of the procedure is furnished by the case of Roger de Garston, who with others owed the king £26. In Michaelmas term 22 Edward I, he produced an exchequer tally to prove that he had paid £20; he was then ordered to pay the remaining £6, which he did on 15 October in that term, thus clearing off the whole sum. The Pipe Roll of 27 Edward I, under Surrey, shows that he was held accountable for the whole sum for the first time that year: as late as 34 Edward I the Pipe Roll scribe entered the payment 'in thesauro £20': the remaining £6 was still charged to him, and was finally removed to the roll of desperate debts in 5 Edward II, in spite of the fact that the whole sum had been paid in full about eighteen years previously.<sup>1</sup> This is a simple, straightforward case, where only one payment was entered on the Pipe Roll: others could be given in which a number of payments were recorded on the Receipt Roll, but the total only of these was entered on the Pipe Roll and that on the roll of a later year. The case of the prior of Newark in Surrey affords an example, where it is almost impossible for us to unravel the tangle, because the entries on the Pipe Rolls have apparently no connexion with the actual payments into the treasury as shown on the Receipt Rolls.<sup>2</sup> Lastly, money may be paid into the treasury by either the debtor in person, the sheriff on his behalf, or even by a third person, whose connexion with the debt is often obscure. Thus, while it is comparatively easy to trace the relations between the payments recorded on the Receipt and Memoranda Rolls, the chain linking the former with the Pipe Rolls presents almost insuperable difficulties.

Our attention may now be directed to the statistics with

<sup>1</sup> The evidence of this transaction is found on the King's Remembrancer Memoranda Roll 68, m. 11, Receipt Roll 132, under the given date, Pipe Rolls, 27 Edward I to 5 Edward II, Surrey and Sussex membranes, and Rotulus de Corporibus, Surrey, under the date 5 Edward II.

<sup>2</sup> The first twenty-three years of the reign have been searched on both sets of rolls for this purpose. During these years the Pipe Rolls recorded nearly double the amount found on the Receipt Rolls. A number of the latter were missing, but even when allowance is made for this, the case still presents difficulties, as the entries for none of these years can be made to agree with the corresponding entries on the other set of rolls.

regard to the sheriffs' attendances at the profer. Certain qualifications are, however, necessary before the figures are examined in detail. For the purpose of the first table, the sheriff has been considered to have made a profer in any year, if he made a single payment into the treasury, but has not been taken as making one, if he was merely present and made no payment. Cases of attendance without payment became common at the end of the reign; so during the last nine years the number of attendances has been compared with the number of payments, the figures being given in the second table. In the third, giving the value of the profers, it should be borne in mind that the figures represent only the sheriffs' payments under this heading, and do not include other money brought into the exchequer either by him or any other accountant. Lastly, the audit took place in the year after the profers were collected, so that when the attendances for the account are examined, it is always possible that a change of procedure will not affect the figures there until a slightly later date than at the lower exchequer.<sup>1</sup>

*Attendance of the Sheriffs at the Exchequer of Receipt for the Payment of their Profer.*

<i>First Period.</i>		<i>Second Period.</i>		<i>Third Period.</i>		<i>Fourth Period.</i>	
<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>
1273	22	1278	21	1283	21	1288	23
1274	23	1279	22	1284	23	1289	23
1275	23	1280	23	1285	23	1290	23
1276	21	1281	22	1286	23	1291	23
1277	22	1282	22	1287	24	1292	23
Total	111	Total	110	Total	114	Total	115

<i>Fifth Period.</i>		<i>Sixth Period.</i>		<i>Seventh Period.</i>	
<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>
1293	23	1298	23	1303	12
1294	23	1299	16	1304	13
1295	23	1300	13	1305	13
1296	22 to 24 <sup>1</sup>	1301	14	1306	14
1297	24	1302	15	1307	19
Total	115 to 117	Total	81	Total	71

<sup>1</sup> In the table of attendances at the upper and lower exchequer under Henry III, an adjustment was made in the five-year periods by which the revenue of the year 1272-3, i.e. 1 Edward I, was given the same relative place in the period, as the account of 56 Henry III, which was audited that year. This was done so as to bring the events at the exchequer into close relation with the political history of the time. It is not necessary in the present case, so in this article the date 1273 means Edward I's first year's revenue, collected from 1272-3, the account for which began at Michaelmas 1273.

<sup>2</sup> See below p. 337, n. 3.

As there are twenty-four administrative units and the figures given above represent these, and not the individual counties, and since it has been considered that the profer was made in any year, if a single payment was made at either of the two terms, the highest number of attendances possible in each period is one hundred and twenty. Thus, until the exchequer year ending at Michaelmas 1298, the sheriffs, with rare exceptions, made at least one profer a year into the treasury, while the majority made one each term: after that date, however, the decline in the number of payments is very remarkable. In the first of our seven periods, the sheriff appeared for the profer not less than once in each of the nine cases in which he made no actual payment;<sup>1</sup> in the second, there were ten cases of failure;<sup>2</sup> while, in the next three periods, the number of failures varies from three to six.<sup>3</sup> It is, therefore, only during the last ten years of the reign that we find a real decline in the number of sheriffs making payments at the profer. If, however, the attendances after Michaelmas 1297 are examined, we find an extraordinary state of affairs. For, though in the first year of the sixth period Devonshire is the only county which did not make a payment, yet after that date there is a very heavy drop in the number of profers made each year. From the fourteenth year every sheriff on our list attended at least once a year at the lower exchequer, and until Michaelmas 1299 rarely failed to make one profer each year, as may be seen by reference to the first table: after that date a large number of the shires ceased to make any payments in cash. As a result, the total number of payments in the sixth period was only eighty-one, and in the seventh and last period it fell as low as seventy-one. In the first twenty-five

<sup>1</sup> Lancashire paid no money in four, Hampshire in two, and London and Middlesex in three of these years.

<sup>2</sup> Hampshire again brought nothing in two years, though represented at the exchequer; Lancashire appeared in the sixth and seventh years of the reign, but not in the eighth, ninth, nor tenth, and made no payments in this period. London and Middlesex were represented at the treasury, but paid nothing in three out of the five years.

<sup>3</sup> Lancashire has no record of appearances in the years 11-13 Edward I, London and Middlesex, Shropshire and Staffordshire were represented but paid nothing in the first year, Cambridge and Huntingdon in the fourth. In the last year of this period, all the sheriffs, including even those of Cornwall, Rutland, and Westmorland, were represented at the exchequer. The sheriff of Cambridge and Huntingdon made only one payment between the fourteenth and twenty-third years, both inclusive. This explains all the failures to make a profer in the fourth period and in the first three years of the fifth. The figures for 1296 are unsatisfactory, as both Memoranda Rolls are imperfect, so that it is impossible to complete the table. The entries for Cumberland, Lincolnshire, Northumberland, and Wiltshire are all illegible in Michaelmas term. As Lincolnshire and Wiltshire had made a payment in the previous term, they have been reckoned to have made a profer in this year: the other two did not, so the figures for the year cannot be given with absolute certainty.

years, the average number of profers a year was twenty-three : in the last ten years it fell to fifteen. In other words the sheriffs attended regularly for the profer, but after 1298, for some reason which requires explanation, they suddenly failed to make payments in cash. Moreover, this failure is not the result of a passing phase, for we find the same state of affairs in at least some years in each of the next two reigns.<sup>1</sup>

If the attendances and payments in the last ten years of the reign are examined still more closely, the position becomes clearer. As each sheriff had to be present for the profer at both terms, he had to attend twenty times in these last ten years, so that there would be a total attendance of four hundred and eighty sheriffs, if they all came up for each of the half-yearly profers. What are the actual facts as to the number of payments ? Out of this possible total, there are two hundred and forty-nine cases, that is, more than half, where no payment was made : on the other hand, there are only nine in which the sheriff failed to attend, either in person or by deputy. Thus it is undoubtedly a failure to pay, not a failure to attend. The list printed opposite gives us the position county by county.

When the figures are examined half-yearly in this way, one fact stands out unmistakably : if a break-down did occur in this reign, as it did at the end of Henry III's, it was not attributable to the same cause, for the counties which suffered the least in the Barons' War were just those in which the lowest figures were recorded at this date. Then the evidence showed that the sheriffs were often not present at the profer : now, that, though present, they failed to make payments. What is the real explanation of the facts ? Only two profers were paid by Hampshire, three by London and Middlesex, and four by Yorkshire out of a possible twenty. Essex and Hertfordshire, Oxford and Berkshire made five each, Wiltshire, Northumberland, Norfolk and Suffolk six, while Lincolnshire, Surrey, and Sussex made one more. Of these, Lincolnshire, Yorkshire, Norfolk and Suffolk, Essex, and Hertfordshire were all regular counties, paying large sums under Henry III. Moreover, in 1285 Lincolnshire paid a total for the two profers of nearly £1,228, two years later Norfolk and Suffolk paid roughly £1,947, while Yorkshire's largest total was over £1,133, paid in 1282 : in 1294 the three areas together

<sup>1</sup> Thus in Michaelmas term 8 Edward II only nine out of the twenty-four areas made a profer, the total value being under £600 : in the following Easter term fifteen areas brought up small sums : again, in Michaelmas term 20 Edward II the number was eleven, in Easter term 1 Edward III fifteen, and in Michaelmas term 11 Edward III six. The amount paid in each of these terms was well under £1,000, and in the last term given it was under £140. The amount paid direct to the treasury was apparently very small after 1340.

paid £2,456 13s. 8d. between them.<sup>1</sup> In spite of these heavy contributions to the revenue before 1298, these counties after that date suddenly ceased to bring anything but nominal sums into the treasury. Thus in the last nine years of the reign the totals paid by them were : Lincolnshire £850, Norfolk and Suffolk £829 12s. 9d., and Yorkshire £637 5s. 2d., yielding in nine years a total of £2,316 17s. 11d. from all three areas, as against a contribution of £2,456 13s. 8d. shown above to have been made by them in a single year before the change. It is just this fact that important counties, from the point of view of the king's customary revenue, suddenly ceased to bring any money into the treasury which constitutes the problem with which we are faced in dealing with the profer and the audit after Michaelmas 1298.

*Table illustrating the Sheriffs' Failure to make Payments at the Profer after Michaelmas 1298.*

Each sheriff ought to have been present on 20 occasions, so that the maximum is 480 attendances and payments.

<i>Sheriff of</i>	<i>Attendances.</i>	<i>Payments.</i>
Buckinghamshire and Bedfordshire . . . . .	20	9
Cambridgeshire and Huntingdon . . . . .	20	10
Cumberland . . . . .	19	10
Devon . . . . .	20	14
Essex and Hertfordshire . . . . .	20	5
Gloucestershire . . . . .	20	9
Hampshire . . . . .	20	2
Herefordshire . . . . .	20	16
Kent . . . . .	20	9
Lancashire . . . . .	18	13
Lincolnshire . . . . .	20	7
London and Middlesex . . . . .	20	3
Norfolk and Suffolk . . . . .	20	6
Northamptonshire . . . . .	19	14
Northumberland . . . . .	19	6
Nottinghamshire and Derbyshire . . . . .	20	17
Oxfordshire and Berkshire . . . . .	20	5
Shropshire and Staffordshire . . . . .	20	18
Somerset and Dorset . . . . .	20	9
Surrey and Sussex . . . . .	17	7
Warwickshire and Leicestershire . . . . .	20	16
Wiltshire . . . . .	20	6
Worcestershire . . . . .	20	16
Yorkshire . . . . .	19	4
	<hr/> 471	<hr/> 231

<sup>1</sup> King's Remembrancer's Memoranda Rolls, Adventus Vicecomitum, under the given year, term, and county.

If we turn to the value of the payments and examine them as we did in the former article, we find that the totals begin to drop after Michaelmas 1294, but that the decline did not become marked until four years later: after Michaelmas 1298 the position became serious, the decline in value being all the more noticeable on account of the enormous increase in the totals collected during the first twenty-five years of the reign.

*Sheriffs' Payments on the Profer.*

First Period.			Second Period.			Third Period.			Fourth Period.		
Year. <sup>1</sup>	Total.		Year.	Total.		Year.	Total.		Year.	Total.	
	£	s. d.		£	s. d.		£	s. d.		£	s. d.
1273	2,419	0 0	1278	3,449	19 6½	1283	4,360	11 0	1288	6,284	15 4½
1274	3,223	13 4	1279	3,463	13 4	1284	4,780	1 5½	1289	6,465	14 4½
1275	4,529	2 7½	1280	4,717	4 1½	1285	7,435	15 10½	1290	5,481	19 5
1276	3,405	6 8½	1281	4,643	19 7½	1286	6,846	7 3½	1291	5,436	0 4
1277	2,567	8 9	1282	5,016	9 8	1287	8,210	12 8½	1292	5,728	5 7
	16,144	11 5		21,291	6 3½		31,633	8 4		29,396	15 1

Fifth Period.			Sixth Period.			Seventh Period.		
Year.	Total.		Year.	Total.		Year.	Total.	
	£	s. d.		£	s. d.		£	s. d.
1293	8,092	19 4½	1298	4,778	1 9½	1303	833	19 9½
1294	8,982	10 9½	1299	1,873	3 7½	1304	1,644	7 5½
1295	5,979	11 8½	1300	1,239	18 3½	1305	1,210	0 7½
1296 <sup>1</sup>	4,274	14 1	1301	3,006	5 2	1306	1,443	18 5
1297	5,445	11 7½	1302	1,334	10 7½	1307	2,103	6 2
	32,775	7 6½		12,231	19 6		7,235	12 5½

The significance of these figures becomes much more apparent if the totals for the seven periods of this reign are contrasted with the corresponding figures in Henry III's time:

*Total Profers for each of the Five-year Periods under Henry III.<sup>2</sup>*

	£	s. d.
First period, 1254-8 . . . .	17,444	15 8
Second period, 1259-63 . . . .	11,390	12 1
Third period, 1264-8 . . . .	2,755	5 8
Fourth period, 1269-73 . . . .	8,064	4 0

<sup>1</sup> For an explanation of the exact significance of the year date see p. 336, n. 1. The first five-year period here is taken earlier than in the fifth period in the first article, which covered the years 1274-8.

<sup>2</sup> The figures for this year are incomplete owing to the imperfect condition of the Memoranda Rolls, as has been explained above. Thus, the total for the fifth period is uncertain, but we know that it was at least £32,775 7s. 6½d., and if Cumberland, Lincolnshire, Northumberland, and Wiltshire, the missing counties, did not all fail to make their profers at Michaelmas, it is probable that the figure exceeded £33,000.

<sup>3</sup> *Ante*, xxxvi. 494.

In the first five years under Edward I the total profer was not very much less than that of the first, and largest, total examined in his father's reign. In view of this fact, the increase in the next four periods is enormous, rising, as it does, to an average of £6,000 a year in the three middle periods, as against an average of roughly £2,000 a year in the four periods of Henry III's reign quoted above. Moreover, though there were only three cases of the annual total exceeding £3,000 before Edward I's accession, after that date there were only two instances between 1273 and 1298 in which the total fell below that sum.<sup>1</sup> Nor is this all, for during the latter period, on three occasions, namely in 1287, 1293, and 1294, the value of the profer rose to over £8,000 a year. From the above statement it is clear that in this branch of the royal revenue, as elsewhere, there was a very heavy increase of the burden of taxation during Edward I's reign. The decline began, as we have seen above, about the year 1294, but did not become pronounced until four years later. In the four years 1295-8, the yearly average was still above £5,000, a sum which would have been abnormally large, even as late as the second period of this reign. After Michaelmas 1298, the sudden decline in the value of this branch of the revenue is, as a result, all the more remarkable, for the yearly total suddenly fell to between £1,000 and £2,000 in six out of these nine years: it only once exceeded £3,000, and in one year (1303) fell as low as £834 in round numbers. These profers were only rivalled by those of the Barons' War. The inference must inevitably be drawn that either the sheriffs were again failing to collect, and pay in, the customary revenue, or that some fundamental change had been made in the method of payment.

Having already ascertained the relations between the Receipt and Memoranda Rolls, as far as it concerned the profer, we are now in a position to examine the former, in order to see if they throw any light on the present problem. With this object in view a search was made of the Receipt Rolls at the end of the reign. This yielded evidence of an unexpected character. Before the beginning of Easter term, 1298, no advance payments were found to have been made in respect of the sheriffs' profer, at least for some years previously:<sup>2</sup> yet, after that date, that is, after the sudden decline in the profers, these advance payments were not uncommon.<sup>3</sup> Thus, between Easter and Michaelmas 1298,

<sup>1</sup> In 1254 the profer amounted to £5,531 9s. 4d., in 1255 to £4,259 3s. 0d., and in 1257 to £3,184 16s. 8d. The profer fell below £3,000 in 1273 and 1277, as a reference to the table shows.

<sup>2</sup> The Receipt Rolls 127, 129, 132, 134, 138, 139, 140, 141, covering the period Michaelmas 22 Edward I to Easter 25 Edward I, contain no references to these advance payments, which are first found on Receipt Roll 143, Easter term 26 Edward I.

<sup>3</sup> See Receipt Rolls 143, 144, 145, 147, 148, where these prepayments may be

several sheriffs made payments on the ferm 'de termino sancti Michaelis proximo futuro', and in the following Hilary term the same thing occurred again, the formula being 'de termino Pasche proximo futuro'. This formula was entered on the rolls fairly frequently down to about Michaelmas 1301; but after that date it again became rare. Sometimes the payment was three months in advance.<sup>1</sup> At first sight, it might be assumed that these were early cases of the assignment of tallies to the wardrobe for sums due from the sheriff at a later date, the said tallies being handed to the sheriff on the payment of the money.<sup>2</sup> But the facts will not support this theory, for all assignments are marked *Gard'* on the Receipt Roll in the right-hand margin. Now though some of these entries of advanced payments are so marked, others are not, therefore this cannot be the explanation:<sup>3</sup> some of the sheriffs were clearly paying their profers before they were due. Moreover, these advance payments were not always included in the profer, as given in the *Adventus Vicecomitum*. But the value of these sums, while sufficient to show that the sheriffs were willing and able to make their profers, is not large enough to furnish a solution of the problem. What is clear, however, is that there was no break-down in the collection of this branch of the revenue. We are, therefore, obliged to make a further search for some other explanation of our difficulty.

Since the audit of the sheriffs' accounts ought to show each sheriff's position in relation to the exchequer at the end of the audit, a search of the records with regard to these accounts may furnish the necessary clue. We have, therefore, to examine the table of attendances at the audit, just as we have already analysed a similar table for the profer. These statistics have been compiled from the data given in the Pipe Rolls under the ferm. The figures confirm the conclusion at which we have already arrived, namely that no break-down did in fact take place with regard to the collection and payment of the customary revenue at this date.

The attendances of the sheriffs at the upper exchequer were extremely regular throughout the whole reign, especially when we remember that they were sometimes unable to attend, not through any fault of their own, but because the king excused

distinguished by the words 'proximo futuro' at the end of the entry. The last entry observed for the sheriff was made on 13 July 29 Edward I. Other debtors made these payments after this date.

<sup>1</sup> The sheriff of Kent made a payment on 25 June 26 Edward I for the ferm of the following Michaelmas term (Receipt Roll 143).

<sup>2</sup> See Jenkinson, 'Exchequer Tallies', in *Archaeologia*, lxii. 369-71, and 'A Further Note on Tallies', in the *Proceedings of the Society of Antiquaries*, 2nd Series, xxv. 35.

<sup>3</sup> Tout, ii. 105-6, where the *Gard'* entries on the Receipt Rolls of these years are examined.

their appearance, as they had more important work to perform in their shires. On only four occasions did the number accounting fall below twenty, and there is an obvious explanation of the failure of the sheriffs to attend in each of these years. Thus, in 1273 and 1274, the small attendance is due, we may assume, to the position of affairs at the end of the previous reign and to the king's absence on the Crusade.<sup>1</sup> The accounts of the other two years were heard between 1282 and 1284, that is, during the second Welsh War. Moreover, at that time, the exchequer officials were extremely busy, owing to the change in the method of accounting which came into force in 1284.<sup>2</sup> During the sixth and seventh periods, though there was a serious decline in the number of attendances for the profer, no such fall was observable at the upper exchequer, where these periods showed the highest totals for the whole reign. If the accounts were audited regularly in this way, there could have been no collapse at the exchequer and an examination of the position at the end of the audit must reveal the real financial position of the sheriff at this date, and so solve the problem presented by the profers.

*Attendance of the Sheriffs at the Exchequer of Audit.*

<i>First Period.</i>		<i>Second Period.</i>		<i>Third Period.</i>		<i>Fourth Period.</i>	
<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>
1273 <sup>3</sup>	17	1278	22	1283	19	1288	24
1274	16	1279	22	1284	23	1289	22
1275	20	1280	23	1285	24	1290	22
1276	22	1281	23	1286	23	1291	22
1277	23	1282	15	1287	23	1292	22
Total	98	Total	105	Total	112	Total	112

<i>Fifth Period.</i>		<i>Sixth Period.</i>		<i>Seventh Period.</i>	
<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>
1293	22	1298	24	1303	22
1294	21	1299	23	1304	24
1295	23	1300	23	1305	22
1296	22	1301	23	1306	23
1297	21	1302	24	1307	22
Total	109	Total	117	Total	113

<sup>1</sup> For a discussion of the effect of the king's absence on the wardrobe administration, see Tout, ii. 1-9. We may assume that this absence was not without its effect on the financial administration.

<sup>2</sup> These charges included the entry of the ferm on the Pipe Roll 'post terras datas' and the removal of the details of the ferm in its old form to the 'Rotulus de Corporibus Comitatum' on which desperate debts were also entered after this date.

<sup>3</sup> For an explanation of the significance of the year date, see p. 336, n. 1.

Before our inquiry can be completed along these lines, it is necessary to ascertain: (1) the way in which the Pipe Roll scribe made his sum, (2) the way in which his figures can be reduced to the form of a modern account, and (3) the method by which the sheriff subsequently reduced his debt, when he had one, in the Pipe Roll sum. To find an answer to these problems, it is now necessary to undertake a detailed examination of the sheriff's accounts on the Pipe Rolls: having by this means solved the first two problems stated above, we are then obliged to carry out an elaborate investigation of certain entries in the Memoranda Rolls, since a search of the Pipe Rolls reveals the fact that the total amount which the sheriff owed, or had in hand, at the end of the Pipe Roll sum was never entered on that roll, nor is there any indication there that these facts were ever placed on record. Such a record was, however, made on the Memoranda Rolls, but this can only be proved after we have learnt to reconstruct the figures for the sum. The method employed by the scribe in calculating the sheriff's liabilities on the Pipe Roll was difficult to discover; it has proved to be still more difficult to explain lucidly, when the required data had been ascertained.<sup>1</sup> An attempt is made in the following pages to set out the facts, as far as they are at present known.

The sheriff's account on the Pipe Roll fell into three main divisions: (a) the ferm, (b) the fixed annual rents, and (c) the summonses. Of these the ferm is subdivided into (1) the ferm proper, and (2) the profits; the summonses into the summonses (1) of the Pipe and (2) of the Green Wax. The total owed under any of these divisions did not appear in these rolls: to ascertain it, we must examine the scribe's method of entering the accounts there. (a) The ferm is the first item entered on the Pipe Roll, the charge for the ferm proper coming first and then that for the profits. Since the sheriff in many cases paid his ferm in blanchéd money, the details have to be calculated in the equivalent 'numero' sum, before the arrears can be transferred to the profits section, where the amount found to be still owing on the ferm is added to that still due on the profits.<sup>2</sup> Thus, if necessary allowance is made for the value of the money when blanchéd, the calculation of the sheriff's position, as far as the ferm is concerned, presents no great difficulties. (b) The division which we have called annual rents included such items as rents from serjeanties and purprestures. Each set of rents is entered

<sup>1</sup> The *Introduction to the Pipe Rolls* gives an account of the method used in Henry II's reign, but the thirteenth-century Pipe Rolls differ in many points from those of the earlier date.

<sup>2</sup> Turner, 'The Sheriff's Farm', in *Royal Hist. Soc. Transactions*, New Ser., xii, 118-22, 137-8, gives an account of the farms which were blanchéd and also explains the method by which sums may be transferred from one value to the other.

separately on the Pipe Roll, and in the cases so far examined the sheriff normally paid the whole amount due under each heading in one sum into the treasury, the entry on the Pipe Roll being marked 'et quietus est'.

(c) Finally the total due on the summonses had to be found, and this furnishes by far the most difficult problem in this connexion, for not only do we find the scribe's method of arriving at his result difficult to understand, but even when the procedure has been ascertained, it is not easy to make the necessary calculations. As we have already seen, the summonses were of two kinds, those (1) of the Pipe and (2) of the Green Wax. The distinction was clearly drawn in the Statute of Rhuddlan, and had probably been in existence since the end of Henry III's reign. All extracts on the Originalia Rolls, that is, the rolls of debts originating in the chancery, were, after 1284, entered direct on the Pipe Roll, being the only debts so entered. The summonses sent to the sheriff with regard to these were known as the summonses of the Pipe. All other debts which he had to collect, not included in the ferm and the annual rents, were placed on the summonses of the Green Wax. Thus the fines and amercements inflicted in the exchequer, in the two benches, or by the justices itinerant were placed on rolls known as Estreat Rolls, and sent to the exchequer in order that its officials should place them on the summonses of the Green Wax. In due course the sheriff received both summonses, which at this date were probably entered on the same writ. When he came up to have his account audited, the exchequer officials read over to him the entries which still had to be cleared off on the Pipe Roll of the previous year. In the same way the Estreat Rolls were read: not only those of that year, but of every year in which there were sums not yet paid, the details on these rolls after 1284 not being placed on the Pipe Rolls, until they appeared indirectly as part of the sheriff's total or partial payment in the summonses of the Green Wax in the year in which he acknowledged their payment.<sup>1</sup> As the reading proceeded he charged himself with the sums which he was prepared to prove had already been paid. (1) With regard to the summonses of the Pipe, if the sheriff had collected the whole amount still due on any debt, it was marked 't' in the left-hand margin of the Pipe Roll of the previous year, the total sum paid on such debts only being entered in the body of the current roll. All these entries of the ferm, the annual rents, and the summonses of the Pipe were placed in the first part of the roll, before the heading 'De Oblatis', and the entry in each case began 'Idem Vicecomes', except in the case of the ferm where the sheriff's name was given in full. (2) The summonses

<sup>1</sup> Payments on an Estreat Roll fifteen or twenty years old were not uncommon.

of the Green Wax were entered under the Nova Oblata, the same 'Idem vicecomes' formula being employed, and in this case the Estreat Rolls were themselves marked with the letter 't' in the left-hand margin. If we now examine the Nova Oblata we find that the totals owed on the summonses of the Green Wax, and partial payments on both sets of summonses, were placed together in a series of entries. The arrangement in each of these was based on the Estreat Rolls, not on the summonses of the Green Wax compiled from them, so that the debts cleared on one Estreat Roll all appeared under a single total, several such totals, as well as single items, being grouped together in a single entry in the Nova Oblata. Cross-references were given after each total to the court and year to which the Estreat Roll belonged. The number of such 'Idem vicecomes' entries in the Nova Oblata varied from county to county, and from year to year. At the end of each entry the total owed on all the debts in it was given, this total being always carried forward into the final entry, unless it had already been incorporated in an intermediate one. These duplicate entries can be distinguished by the formula 'sicut supra continetur' in place of the reference to the court and year of the Estreat Roll. This means that all these entries appear twice on the Pipe Roll, and may appear three times. The final entry, in addition to arrears from each of the other 'Idem vicecomes' entries dealing with the summonses, also contained new totals, just as the other entries did.<sup>1</sup> The arrears from the summonses of the Pipe were also given. It is these duplicate entries which constitute the difficulty that has to be faced in attempting to reduce this section of the sheriff's account to a modern form. As far as the summonses are concerned we have now reached the end of the account on the Pipe Roll. In this final entry the sheriff proceeded to place to his credit any allowances which were so clear that they were admitted by the exchequer officials without challenge, and also one, or more, sums paid into the treasury. After these had been deducted, the remaining debt represented the sheriff's arrears on the summonses.

To find the total arrears still owed by him at the end of his account, it is now necessary to add the arrears found under (a) the ferm, (b) the fixed annual rents, and (c) the summonses. The result is his total debt at the sum, that is, at the end of the account, if we accept Madox's definition.<sup>2</sup> But an inspection of

<sup>1</sup> Each 'Idem vicecomes' entry has to be added up separately and any duplicate items from a previous entry subtracted before the total is accepted as giving a statement of sums due from the sheriff, for which he has not previously accounted. Particular care is necessary in the case of the last entry, where the duplications should be checked by the total arrears of the previous entries under the summonses.

<sup>2</sup> Madox, ii. 153, 161-2.

the Precepta in the Memoranda Rolls reveals the fact that the total arrears, thus found, were recorded there under the entry beginning '*facta summa vicecomitis debet*'. Sometimes the arrears under the three subdivisions were set down in addition to the total arrears. The '*facta summa*' entries, however, go much farther than this, for the scribe then proceeded to place on record the further stages of the account in the chronological order in which they occurred. This record extended until the beginning of the Michaelmas term next following, and sometimes even indicated the place, generally the view of the account for the following year, where further details might be found.<sup>1</sup> Thus an examination of the relations between the Pipe and Memoranda Rolls serves to bring out an extremely important point in the sheriffs' accounts at the exchequer, namely a stage in the audit subsequent to Madox's third and final stage.

It is now possible to arrange the Pipe Roll account, so far as it concerns the sheriff, in a modern form. This is necessary, as we shall have to investigate not only the sheriff's arrears at the end of his account, but also the amounts which he paid to the king, whether by means of local disbursements, or by direct payments into the treasury. The Pipe Roll account can, however, only be reduced to a modern form, if great care is taken to avoid duplication of entries in the '*Idem vicecomes*' entries in the *Nova Oblata*. The three main divisions, (a) the ferm, (b) the annual rents, and (c) the summonses, must be followed in drawing up this modern version of the sheriff's account on the Pipe Roll. The best way is to follow the scribe's method as closely as possible, while tabulating the data in the form of a modern account. This involves arranging his facts, grouped as given above, in five vertical columns, thus: column (1) contains the sums with which the sheriff was charged under each item at the beginning of the account; column (2), his allowances for money expended locally; column (3), his payments direct into the treasury; column (4), his arrears, if any; column (5), his superplus, if any. These principles were followed by the Pipe Roll scribe with certain modifications: his accounts were never arranged in columns, and he obviously only made one entry in the place of columns (4) and (5), since in no item could there be both a superplus and a debit entry. For purposes of addition and subtraction it is simpler to keep these separate. Following this arrangement for the ferm, we have two entries in each column, one for the ferm proper, the other for the profits. The ferm of Surrey and Sussex in 1295 furnishes a good example.

<sup>1</sup> This last stage is called the 'final view' ('*ad finalem visum suum*') in the King's Remembrancer's Memoranda Rolls 73, m. 69 (27-8 Edward I).

<i>Nature of the Account.<sup>1</sup></i>	(1) <i>Amount due.</i>	(2) <i>Allowances.</i>	(3) <i>Treasury.</i>	(4) <i>Debit.</i>	(5) <i>Superplus.</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Ferm proper, Surrey, 'post terras datas'	16 8 9½	25 4 7	—	—	8 15 9½
Ferm proper, Sussex, 'post terras datas'	40 0 0	13 4	—	39 6 8	—
Profits of both, given under Surrey	60 0 0	—	86 13 4	—	26 13 4
	116 8 9½	25 17 11	86 13 4	39 6 8	35 9 1½

Now, to balance the account, the totals in columns (2) and (3) must be added together, in order to get the total amount disbursed by the sheriff; the result, when it is subtracted from the total in column (1), gives the amount of his arrears at the end of his account. If the figures are arranged in this way, the result is

*The Sheriff's Balance on his Ferm.*

		£ s. d.	£ s. d.
Column (1)	Amount due on the ferm . . .		116 8 9½
Column (2)	Allowances . . .	25 17 11	
Column (3)	Payments into the treasury . . .	86 13 4	
	Total amount paid by sheriff . . .	112 11 3	112 11 3
	Arrears . . . . .		3 17 6½

This sum of £3 17s. 6½d. corresponds with the arrears charged against the sheriff in the 'facta summa' entry on the Memoranda Roll, where the details for the ferm and the summonses are given as well as the total arrears for the year.<sup>2</sup> So far nothing has been said about the entries in columns (4) and (5), but if the latter is subtracted from the former the same debt of £3 17s. 6½d. will be obtained. These last two columns may seem at first sight to be unnecessary, but they serve as a useful check on the other three columns, especially in the case of the summonses. Moreover, they check the scribe's figures, which are not always accurate, in spite of the tradition that the Pipe Roll cannot err. (b) The fixed annual rents are summed in the same way. (c) The summonses, as we have already seen, present the real difficulty. Each 'Idem vicecomes' entry belonging to this division has to be carefully examined and the necessary adjustments made to avoid duplicate entries. This sounds simple, but great care is required to avoid duplication, and even then it sometimes occurs. The calculation follows the same main lines as that for the ferm.

<sup>1</sup> Pipe Roll 140, Surrey and Sussex. The ferm in each case is under its own county, but the profits for both counties are entered under Surrey, a cross-reference only being given in Sussex. The Surrey ferm is given blanché, and the calculation of the 'numero' value is mine. In the case of Surrey and Sussex the final entry with regard to the summonses is found in Sussex.

<sup>2</sup> Memoranda Roll, Lord Treas. Rem., 67, m. 71 d.

A complete review of the sheriff's account can now be obtained if the totals found under (a), (b), and (c) are added together in each of the five vertical columns. The total amount due, as found in column (1)—that is, the charges for (a) the ferm, (b) the fixed annual rents, and (c) the summonses—must first be added together; in each of the remaining columns the totals for these three divisions are then added up in the same way. The result is the sum total for all three divisions in each column. A balance can be struck by the method already adopted in the case of the ferm. This calculation yields three results: (1) the total charge due from the sheriff at the beginning of the account, (2) the total of those payments of which proof has been produced in the course of the audit, and (3) his total debt at the end of the account. The total arrears for all three divisions were then entered in the *Precepta* on the *Memoranda Roll*. Incidentally we have found a method of calculating the total sum proved in the course of the audit to have been paid into the treasury, a sum which, as we have already seen, has no real relation to the *profer* as recorded on the *Memoranda Rolls* under the '*Adventus Vicecomitum*', nor to any of the payments recorded on the *Receipt Roll* of that year. It is, in fact, a sum made up of a number of payments, spreading over an indefinite number of years, the tallies for which were produced at the audit in proof of payment. These facts confirm the conclusion at which we have already arrived, namely, that the relations between the three sets of rolls are extremely complex. But a complete understanding of these relations is essential before any attempt is made to use the rolls for historical purposes.

We are now in a position to examine in detail the '*facta summa*' entries on the *Memoranda Rolls*. Such an investigation is important, because it furnishes the key to the whole problem of the sudden failure of the *profers* in the last ten years of our period. These notes under the *Precepta* show us, just as they showed the barons of the *exchequer*, the exact stage which each account had reached at any given time up to the *Michaelmas* following that on which the account was theoretically due. After recording on the *Memoranda Roll* the debt at the end of the *Pipe Roll* sum, the scribe then wrote down the allowances which the sheriff claimed, which had not already been entered on the *Pipe Roll*.<sup>1</sup> These allowances had to be proved to the *exchequer's* satisfaction by the production of the king's writ authorizing the expenditure, and of the vouchers or warrants proving the payment of the money. When they had been passed, a bill was issued by the *exchequer* to the *chancery* authorizing the issue of a writ of *allocate*, and the words '*habet billam*' were written in the

<sup>1</sup> For examples see *Memoranda Rolls*, *Lord Treas. Rem.*, no. 70, mm. 75, 75 d, 80, 82, and 82 d. Also no. 71, m. 77.

left-hand margin beside the allowances.<sup>1</sup> The writ, when issued, gave the exchequer power to deduct the amount claimed from the sheriff's arrears.<sup>2</sup> Another entry, or set of entries, showed further payments into the treasury. These had to be proved by the production of the tallies which were compared with the counter-tallies retained at the exchequer.<sup>3</sup> If the two agreed, the amount was deducted from the arrears. These entries were made in chronological order; the dates of payments into the treasury are given, or can be ascertained from the Receipt Rolls, while the writs appointing days for the sheriff to appear, or ordering steps to be taken to enforce payment, serve also to date the various stages of this, the final view.<sup>4</sup> Moreover, as the scribe made his entries, he frequently balanced the account. Obviously no two accounts follow exactly the same procedure, since the number of allowances, their nature, the value of the payments into the treasury, and of the arrears still owing must vary from case to case.

In order to obtain as accurate an idea as possible of the sheriff's position at the end of the year in which he rendered his account, the 'facta summa' entries have been searched for all the twenty-four administrative areas for by far the greater part of the reign.<sup>5</sup> The original intention was to present the facts in tabular form, but the attempt had to be abandoned, as it proved impossible to give the data in a form which would not be misleading in the absence of the records themselves.<sup>6</sup> It is, however, on this detailed investigation that the account given below is based. The history of these entries under the *Precepta* falls into four periods. At the end of Henry III's reign, and up to 1276, we find occasional notes added at the end of the *Compoti Comitatum* to the effect that the sum having been made, the sheriff owed £x: from that date until about 1284 the use of the 'facta

<sup>1</sup> Memoranda Rolls, Lord Treas. Rem., no. 66, m. 97; no. 67, m. 69 d; no. 71, mm. 74 and 74 d.

<sup>2</sup> *Ibid.* no. 70, m. 83, where allowance was claimed by the sheriff of Kent 'per breue de allocate quod est in ligula Marescalli'.

<sup>3</sup> *Ibid.* no. 70, m. 76; no. 71, m. 76. Mr. Hilary Jenkinson has been most kind in giving me information on this question of tallies and assignments.

<sup>4</sup> *Ibid.* no. 66, m. 95 d, Surrey and Sussex, 'Facta summa vicecomitis'. Sheriff owed £181 14s. 6½d., allowed £28 18s. 0d.; paid by one tally £22, owed £130 16s. 6½d., claimed allowance of £2 10s. 0d. and owed £128 6s. 6½d., for the payment of which he was given the day after the close of Easter, when he paid £24 and owed £104 6s. 6½d. As he did not pay this the sheriff of Hampshire was told to distrain on 17 May. Further steps were taken later.

<sup>5</sup> The years omitted, for various reasons, were 5, 15-20, 29, and 35 Edward I. The records in some of these are imperfect.

<sup>6</sup> The chief difficulty was due to the scribe's habit of adding in items from other accounts, and arrears of former accounts. To extract the debts at the beginning and end of all the 'facta summa' entries was sufficiently complicated, to have also made an elaborate examination of the items themselves over a long period was impossible. Another difficulty was due to the doubt whether the allowances in certain cases were proved.

summa' was being steadily developed, though at first the notes were not made for all the counties: the new form was fully established at roughly the same date as the completion of the reform of the Pipe Rolls, involved in the compilation of the '*Rotulus de Corporibus Comitatum*', with which innovation it may be assumed to have an intimate connexion: until 1298 there were no remarkable developments, but from then to the end of the reign there was a very large increase in the number and value of the allowances. Money was also ordered to be paid into the wardrobe, especially in the case of small sums owing at the end of the final view.<sup>1</sup> It is these developments after 1298 which furnish the explanation of the serious decline already noticed in the profers at this date, and which show the relations between the exchequer, the sheriff, and the wardrobe at this time. An examination of the entries for the years immediately before and after 1298 makes the position clear. Thus we see that the sheriffs were not incurring an enormously increased burden of debt, but they were undertaking a very much larger responsibility with regard to the disbursement of the customary revenue. In other words, on account of the Scottish and Gascon wars the sheriffs were forced to make large local purchases, and were, as a result, claiming much larger sums as allowances.<sup>2</sup> This being the case, they were obviously not in a position to make large payments into the treasury. This increase in local expenditure was of two kinds, though in practice it is difficult to distinguish between them. (1) In the simpler of the two types, the king ordered the sheriff to make a direct payment to some individual, or to spend it on a particular object, such as the payment of prisoners' wages,<sup>3</sup> the fortification of a castle, or the purchase of provisions.<sup>4</sup> Having paid the money, the sheriff then obtained a voucher to prove it to the exchequer.

(2) The wardrobe plays an important part in the second class of allowances, though it is not clear what the distinction was between the two types, so that it is not always certain in what cases the wardrobe had an interest. What we know is that after Michaelmas 1298, the sheriff not only spent large sums of money on the wars as sheriff, but also frequently did so in close connexion with this department, perhaps acting as buyer: in this capacity he had to render his account there. Thus sheriffs were not uncommonly told by the exchequer to account at the wardrobe for certain allowances claimed at the exchequer, and to obtain

<sup>1</sup> Memoranda Rolls, Lord Treas. Rem., no. 70, mm. 80d, 82, 83 d; no. 75, m. 86 d.

<sup>2</sup> *Ibid.* no. 71, Precepta. The increase in the allowances claimed is very largely due to the purchase of provisions, while a number of payments are made into the wardrobe in this year.

<sup>3</sup> *Ibid.* no. 70, m. 80.

<sup>4</sup> *Ibid.* no. 71, m. 77 d, Cambridge and Huntingdon, Precepta—'*facta summa vicecomitis*'.

an exchequer tally on the completion of that account.<sup>1</sup> The procedure appears to have a close connexion with the system of assigning tallies to that department. Possibly tallies were assigned to it for sums due from the sheriff: then when the sheriff paid the money to its officials, not understanding the procedure, he neglected to obtain this tally in addition to the usual voucher, and subsequently claimed the money in the usual way at the exchequer. He would then presumably have to prove his expenditure at the wardrobe, before receiving the tally which ought to have been handed to him at the time of the payment.<sup>2</sup> Whichever form the government used, it threw the responsibility, not only of collecting the customary revenue, but also of spending it, to a large extent upon the sheriff at this date. This system had distinct advantages: the money was available as it was collected, not as it was paid to the treasury, which meant that it could be spent several months before it was due under the old system. The king was also saved the risk and expense of transporting it to Westminster. Time, labour, and money were saved by this decentralization.<sup>3</sup>

If the statistics with regard to the final view are examined, it is found that whereas the sheriffs owed much larger sums at the end of the Pipe Roll account after 1298 than they did before, at the end of this view, as recorded in the *Precepta*, the amount still due to the king was not much greater than it had been earlier, and in many cases the position of the sheriffs remained unchanged. The explanation of the increase, where it occurred, is simple. As the sheriff had to make large payments locally, he did not pay all his money into the treasury until the end of the account. Moreover, when he paid the money direct to the treasury, he could prove his payment without difficulty, but, as the number of allowances grew, so his difficulty in clearing his account increased, since such a claim is much more difficult to prove than a direct payment.<sup>4</sup> In many cases the exchequer

<sup>1</sup> Memoranda Roll, Lord Treas. Rem., no. 69, 'Facta summa vicecomitis' entry, Lincoln, is the first instance so far found of the sheriff being ordered to account in the wardrobe. See also no. 78, Northumberland, 'facta summa vicecomitis'. This is in 1 Edward II, but the sheriff is ordered to account there for sums spent on provisions in the previous reign; no. 71, m. 74, Essex and Hertfordshire, 'facta summa vicecomitis', where it says the sheriff accounted in the wardrobe for purchases for the king's household, and had an exchequer tally for the same, and m. 75, Yorkshire, no. 75, m. 87 d, Essex and Hertfordshire, '... de quibus debet ei allocare ... per talliam faciendam per billam de Garderoba Regis quam modo ostendit'.

<sup>2</sup> Cf. *Proceedings of Society of Antiquaries*, 2nd ser., xxv. 35.

<sup>3</sup> Tout, ii. 103. 'In the years of crisis and financial stress there was a real necessity that the king's wardrobe officers, who in Scotland, Flanders, Gascony, Wales, or England were financing and directing the royal campaigns, should obtain immediate possession of such revenue as was available for fleets and armies.'

<sup>4</sup> This statement is based on an elaborate investigation of the 'facta summa' entries under the *Precepta* on the Lord Treasurer's Remembrancer's Memoranda Rolls

was fully aware that the money had been properly spent, but refused to exonerate the sheriff without complete proof.<sup>1</sup> In view of these facts, we may say that the sheriff's position was very little, if at all, worse after 1298 than before. Clearly no breakdown occurred, as far as this branch of the revenue was concerned, but there was a change of procedure, involving a vast increase of local expenditure and a consequent decrease in the value of the profer. This reform had a close connexion with the growth of assignments and with the development of the wardrobe as a spending department, a development of that department at the expense of the exchequer.<sup>2</sup>

In the present article we have considered two entirely different and apparently unconnected subjects, namely, the complexity and interconnexion of the exchequer records at the end of the thirteenth century, and the position of the sheriffs at the profer and the audit in the time of Edward I. The latter could not have been properly investigated without a preliminary knowledge of the former. For the sake of clearness it is advisable here to summarize the results separately. With regard to the interconnexion of the rolls, we have obtained some important results. In the case of the profer it has been shown that it was recorded on both the Receipt and Memoranda Rolls, but that the forms of entry differed. With regard to the connexion between the Receipt and Pipe Rolls the problem is more difficult, as no exact relation existed between the entries on the Receipt Roll and the record of payment in any one year as shown on the Pipe Roll. The latter usually summarizes, in its 'in thesauro' entries, several items on the Receipt Rolls, spreading over a number of years. This serves to illustrate the great delay in auditing the accounts of private debtors. Another important point is the continuation of the Pipe Roll account after the sum, in the series of 'facta summa' entries in the Precepta on the Memoranda Rolls. These begin with the words 'facta summa vicecomitis', and this stage in the audit, known as the final view, gives us a chronological review of the steps taken to clear the sheriffs' accounts after the sum had been ascertained. It was apparently unknown to Madox. With regard to the second point, that is, to the relations between the sheriffs and the exchequer at this date, we have seen that while an examination of the *Adventus Vicecomitum* alone might lead us to the conclusion that the organization for collecting the customary revenue of the Crown collapsed

at this date. It is impossible to quote particular illustrations, but a study of almost any county for several years will serve to prove the point.

<sup>1</sup> Memoranda Rolls, Lord Treas. Rem., no. 70, m. 75, Cumberland; no. 71, m. 74, Essex and Hertfordshire.

<sup>2</sup> Tout, ii. 95-6.

in the last ten years of this reign, as it did under Henry III, a more complete investigation of the records available shows that this was not in fact the case. The Receipt Rolls prove that the Memoranda Roll entries on account of the profer are imperfect, since in the years immediately after 1298, while the latter showed a heavy decline in payments, the former proved that part of the profer was actually being paid in advance. Moreover, a comparison of the two records brought out the fact that these advanced payments were not always recorded on the Memoranda Rolls. Further, an examination of the attendance of the sheriffs for the audit revealed the fact that, if there was a collapse at the lower exchequer, there was certainly none at the upper. Finally, when it had been ascertained that the '*facta summa*' entries on the Memoranda Roll recorded a stage in the audit subsequent to the Pipe Roll sum, an examination of the data contained in these summaries proved that the decline of the profer was not due to a refusal of the king's debtors to meet their liabilities, but to a fundamental change in the expenditure of the revenue collected by the sheriff, a change which involved a decentralization of that expenditure with a consequent large increase in the value of the sheriff's allowances, and a corresponding decrease in his payments into the treasury. In addition it brought in its train an important development in the relations between the wardrobe and the local administration which in its turn had a close connexion with the growth of the system of assignments. The date at which these developments took place (1298) leaves little doubt that they had a close connexion with the growth of the wardrobe as a spending department, which was a direct result of the Scottish and Gascon wars at the end of the reign.      MABEL H. MILLS.

## *Frederick Henry of Orange and King Charles I*

THE interests of Orange and Stuart first became entangled with the marriage of Frederick Henry's only son William to Mary, the eldest daughter of Charles I, which took place on 12 May 1641 in the chapel of the palace at Whitehall. It is not difficult to indicate the reasons which led Frederick Henry to seek this alliance. He was actuated by purely dynastic considerations. He hoped that if he could link the name of Orange with a royal line, it would mean an accession not only of prestige but of power in the republic. The prerogatives of the stadtholder were ill-defined, and in the struggle with the burgher-oligarchy of Holland high titles, military fame, and the splendour of court life played no small part.

When Frederick Henry had succeeded his brother in 1625, he had had to proceed very carefully. It was a serious time for the republic. From its renewal in 1621 the war with Spain had gone badly, adding fresh dangers to those left by the bitter feuds for which the Twelve Years' Truce is memorable. The new stadtholder, whose sympathies had been with the vanquished party rather than with his brother, was cautious in openly displaying his leanings. At one moment it seemed as though the stadtholderate would spontaneously adapt itself to the supremacy of the states. Frederick Henry was not only courteous and affable; he was subservient. He adopted a genial tone with the patricians of Holland, declaring 'that he had no taste for German pomp', but that he was a Hollander like themselves, 'born at Delft'.<sup>1</sup> With the first successes on the battle-field the position changed. Little by little Frederick Henry's authority in the state increased, and soon it appeared that he was far more intent on making his power felt than Maurice had been before him. Maurice had seized the power, which lay ready to his hand, only when his passions were roused by a violent political crisis, and then only to let it slip, almost heedlessly, from his grasp again as soon as he had gained his end. Not so Frederick Henry. He worked consciously and steadily, albeit patiently and cautiously, towards the strengthening

<sup>1</sup> *Brieven van N. van Reigersberch aan Hugo de Groot* (Hist. Gen. Utr.), 1901, p. 51.

of his position, and, again unlike Maurice, he had a son ; he worked not for himself alone, but for his house. He made use of all the resources offered him by the peculiar constitution of the republic. By the distribution of offices he won for himself partisans in every quarter. Of the administrative colleges which played such an important part in the administration of the Dutch republic, several were devoted to his interests, and in more than one province he had his confidants, who at his will and through his protection could sway the provincial states. In particular he turned his earnest attention to the composition of the states-general. The deputies were usually appointed for long periods, and it was an easy matter for him to exercise considerable influence, at least upon the representatives of the inland provinces, most of whom were nobles and depended on his favour for the military careers of their sons and near relations. Far removed from their principals, who, moreover, were in session only for a few weeks in the year, they were able to follow their own, or rather the prince's, will far more easily than the Hollanders, who were always under the eyes of their masters, the states of Holland. When in the course of time, for the sake of speed and secrecy, the custom had crept in of allowing the stadtholder to decide important questions of foreign policy with a committee of the states-general, Frederick Henry had little difficulty in finding men for this body who were ready to follow his lead. Indeed, as a rule he was even permitted to co-opt personally one deputy of his own choice from each province.<sup>1</sup> In this way he became possessed of supreme power.

All this was accomplished without much commotion, thanks to there being during the first nine or ten years of Frederick Henry's stadtholderate very little difference of opinion concerning the lines of the national policy, so that the stadtholder could be regarded as the natural leader. But a moment came when a divergence of political opinion manifested itself. In 1634 the question arose of a choice between peace with Spain or a continuation of the war in conjunction with France, the object being the partition of the southern Netherlands. Then the peace-party discovered that the stadtholder was so powerful as himself to decide the issue in favour of France and war. Before long this very decision was seen in its turn to increase the stadtholder's authority. Richelieu's gratitude expressed itself by conferring on Frederick Henry the title of 'highness', whereas hitherto, like his brother and father, he had had to be content with 'excellency'. This was an important step, without which, probably, the next, the royal marriage, would have been impossible. Moreover, the confidential understanding with the French

<sup>1</sup> Vreede, *Geschiedenis der nederlandsche diplomatie*, i. 58.

ambassadors strengthened the prince's position in foreign politics.

Thus, from the moment when this question came to the fore, a renewal of the opposition to the stadtholder was evident, but if was of an entirely different character from the movement in the days of Maurice. It was not directed merely against some definite policy ; it was inspired no less by a spirit of opposition towards the growth of the stadtholderate as such. All over Europe it was a period of civil strife, sovereign princes struggling for absolute power with estates which maintained their ancient privileges. In France Richelieu waged a successful campaign for his king—Richelieu, who in 1635 had entered into such close relations with Frederick Henry, and who, doubtless of set purpose, did all in his power to reinforce the monarchical principle in the republic. In England Charles I had been carrying on an arbitrary régime without a parliament, and when at length he was obliged to summon one, it was only to enter into bitter conflict with it. And it was with Charles I—a prince so much a monarchist that, speaking to a Dutch ambassador, he had described the Dutch government, quite calmly and without a thought of discourtesy, as ‘a populace without discretion’<sup>1</sup>—it was with Charles that Orange was now seeking an intimate connexion, which would still further increase the prestige of his house, and which was regarded by many at the English court as preliminary to a *coup d'état* whereby the stadtholder would be transformed from a servant of the states to sovereign of the country.<sup>2</sup>

No more is needed to account for the fact that the regent class of the Netherlands did not take kindly to the plans for the English marriage. It did far more than the French alliance to loose a storm of opposition against the stadtholder in his latter years ; and what made it the more serious for him was the fact that the connexion with the Stuarts was palpably at variance with national interests, that it was so obviously a purely dynastic move. This made it still less possible for Frederick Henry, and William II after him, to count absolutely on that popularity with the masses and their Calvinist leaders which had always been among the greatest assets of the princes of Orange in their struggles with the states of Holland. The army, of course, never failed to support them, nor (to a large extent through military influence) the nobility, particularly the poor nobility of the inland provinces, through whom Frederick Henry had also gained his hold over the states-general. If in the states-general the smaller provinces generally stood by the stadtholder's policy and the centre of gravity of the opposition

<sup>1</sup> Arend, *Algemeene Geschiedenis*, III. vi.

<sup>2</sup> Vreede, i. 212, n. 2.

against him was always to be found in Holland, it is by no means necessary to assume that the interests of these provinces really were best served by the stadtholder's policy, which meant first war with Spain, soon after, as we shall see, war with England, and finally, under William III, war with France. Holland merely represented that element in the republic that was able to make the most successful stand against the encroachments of the stadtholder's power.

At the time when Frederick Henry on behalf of his son made overtures to Charles I for the hand of one of his daughters, Charles's leanings were much more towards Spain than towards Spain's enemies, France and the United Netherlands. In 1635 the plans of these two countries to divide the southern Netherlands between themselves had a very disquieting effect at the English court, and in 1637 the king declared to the comte d'Estrades that he would do all in his power to oppose the conquest of the Flemish coast. True, his power appeared to be extremely limited. He certainly had, with the help of the levy of ship-money, equipped a fleet, but in 1639 it proved beyond his power to avenge the disgrace of the Downs, when Tromp had fallen upon the Spanish expeditionary fleet in English waters. The attitude of the English government about this affair had been so ambiguous that in Holland it was at first suspected and afterwards generally believed that England had undertaken to support the Spanish enterprise.<sup>1</sup> Charles I was in fact anxious to curry favour with Spain. His favourite project in those days was, like his father's before him, to negotiate Spanish marriages for his children. Above all his wife, Henrietta Maria, a sister of the reigning king of France, strengthened him in this resolve, and her friend, the duchesse de Chevreuse, who was a sworn enemy of Richelieu, acted as go-between. Under these circumstances, the French government could hardly regard the English court as anything but hostile. There is no conclusive proof that Richelieu actually supported the Scottish rising of 1639, but he certainly did maintain friendly relations<sup>2</sup> with the English parliamentary opposition in the following year, when it was able to make itself felt again and still further curtailed the power of Charles I.

It was in these days that the idea of a marriage between Frederick Henry's son and one of the daughters of Charles I

<sup>1</sup> See the evidence from the *Archives de la maison d'Orange-Nassau* and Van der Capellen cited by Isling in *Bijdragen*, New Ser., iv. 255. Fruin has shown, by a reference to the *Clarendon State Papers*, that the suspicion was unfounded. In May Boswell was already reporting similar rumours from Holland (*State Papers*, For., Holland, 155).

<sup>2</sup> Ranke, *Französische Geschichte*, ii. 506 ff.; Lavissee, *Histoire de France*, vi. ii. 350.

was mooted once more. The subject was first discussed with the queen's mother, Marie de Médicis,<sup>1</sup> the queen-mother of France—no friend of Richelieu—during her stay in Holland in 1638. In the following year Jan van der Kerckhoven, lord of Heenvliet, who happened to have made the acquaintance of Marie de Médicis, was sent to England as the prince's private envoy with secret instructions to enter into negotiations about the project. He had made little progress when, in February 1640, Frederick Henry requested Aerssens van Sommelsdyk, who was then in England as ambassador of the states-general, to come to an understanding with Heenvliet and to try to further the matter.<sup>2</sup> The official mission of Sommelsdyk was to explain the motives which had led to the action of the states-general at the Downs, while at the same time he was to investigate the possibilities of a treaty with England. What he had had to report concerning the attitude of the court had not been very encouraging, and when Frederick Henry's request reached him he had just, in exasperation, addressed an earnest request to the stadtholder to arrange for his recall, as he suspected that his presence in England and the proposals he had to make were merely being used to force the hand of Spain, whose help was looked for against the Scots. Sommelsdyk protested vigorously in a letter to Frederick Henry himself when it appeared that it had been hinted to the king (apparently by Heenvliet in his zeal to win Charles's favour for the matrimonial plan)<sup>3</sup> that the Dutch ambassador was not merely to justify the battle of the Downs, as was prescribed in his instruction from the states-general, but also to ask the king of England's pardon for it. At the same time he was too much of a courtier not to accede with zeal, even with gratitude, to the request to take over the marriage negotiations.

One might imagine that a Dutch statesman, especially one who belonged to the Orange party, that is to say, the party which believed in war *à outrance* with Spain, would see in the marriage-plan an attempt to alienate England from Spain. Sommelsdyk did in fact express this point of view on a number of occasions.<sup>4</sup> But could he seriously have supposed this to be

<sup>1</sup> I do not think that Marie de Médicis can have been quite honestly in favour of the idea. In January 1640 Sommelsdyk declares that she as well as her daughter were enthusiastic about the Spanish marriage (*Archives*, II. iii. 161).

<sup>2</sup> 6 February 1640 (*ibid.* p. 197).

<sup>3</sup> All that we know of this incident is to be gathered from a letter from Sommelsdyk to Frederick Henry of 2 February (*ibid.* II. iii. 191 ff.), and from a postscript to his letter of 6 February (*ibid.* p. 198). Brill, in Arend's *Alg. Geschiedenis*, III. v. 259, n., drew attention to this. The emphatic tone of Sommelsdyk's words leads one to suspect that he thought the prince needed persuasion.

<sup>4</sup> Cf. *Archives*, II. iii. 161, 206.

the object of the proposal? Such an alliance would be not the conferring of a favour on the king by the stadtholder, but the reverse.<sup>1</sup> As early as January, when Sommelsdyk, although he had not then been asked to do so, was already doing his best to further Frederick Henry's design, he had expressed this view with striking aptness to Charles I himself.

By this marriage [he pointed out to the king<sup>2</sup>] you will gain for yourself a first claim on the affections and interests of His Highness and the United Provinces, while if you seek kinship with a house of greater power than your own [Spain], you can expect nothing from their ambitions, but will only lose your daughter whom you will force into wedding interests opposed to your own.

The dubious character, from the Dutch national point of view, of such a dynastic relationship as that between Stuart and Orange could not be better expressed. Again and again in generations to come the danger was to arise that this relationship might place the lesser of the two united houses in a position of dependence. But at least Sommelsdyk wished to make one more stipulation. He wished that only the eldest daughter should be accepted. That would at any rate rule out the possibility of the Spanish marriages, for Spain would certainly not condescend to take the second daughter, if the eldest had been allotted to the prince of Orange. But, no doubt for the same reasons, the English court would only enter into negotiations involving the second daughter. Sommelsdyk saw in this the design of the two queens, whose plan was to pave the way for a Spanish marriage for the eldest by means of a protestant alliance for the second daughter.<sup>3</sup> He even feared, as he had done about the political treaty, that the whole negotiation was meant only to produce its effect on Spain.<sup>4</sup> If it was only possible to get a second daughter, he said finally, then he was for a marriage with a French princess.<sup>5</sup> Certainly a French alliance was much more in keeping with the Orange policy of those days, but Frederick Henry had set his heart on a marriage with a king's daughter and decided to take the second daughter if the eldest was not available.

Thus when the matter was settled in principle at the end of 1640, it was the second daughter of Charles I, a child only five

<sup>1</sup> The inequality of the marriage may be illustrated by contrasting the forms used by Frederick Henry in his letters to Charles I with those of the king's letters to him. The prince of Orange writes: 'Sire, La gracieuse lettre dont il a plu à V.M. m'honorer . . . Je lui témoigneray toujours par mes devoirs et très-humbles services que je suis avec passion, Sire, de V.M. très-humble et très-obéissant serviteur . . .' The king writes: 'Mon cousin, Vous verez . . . Je suis, mon cousin, votre très-affectionné cousin . . .'

<sup>2</sup> *Archives*, II. iii. 161.

<sup>3</sup> *Ibid.* p. 217.

<sup>4</sup> *Ibid.* p. 220.

<sup>5</sup> With Mademoiselle, known later as 'la grande Mademoiselle' (*ibid.* p. 218).

years old, who was destined to be the bride of William II. The final negotiations were carried on by a formal embassy from the states-general. Frederick Henry had had the official announcement made in the states in December 1640—the position of the stadtholder approached nearly enough to that of a prince for the marriage of his son to be regarded as a matter of state—and Sommelsdyk, who was a member of this new embassy also, could now give even more positive assurances that the friendship of the prince of Orange meant the friendship of the republic. Yet Frederick Henry at the same time sent Beverweert to France, where the English marriage project was naturally causing uneasiness, to explain that it was a private matter which had nothing to do with the policy of the republic. This was certainly not the view of Charles I. When the new embassy came to England in January 1641, he immediately sought to involve it in fresh negotiations for a political treaty. Sommelsdyk found the position difficult in view of the explanations so recently made to France, but he had not much faith in the seriousness of the king, who still had his eye on Spain.<sup>1</sup> Indeed, Charles I could hardly be enthusiastic about a political alliance with the states which would have an anti-Spanish tendency and which would be regarded as a triumph by his new advisers in the parliament. But, as things then were, a marriage, whereby he would gain, as Sommelsdyk had led him to hope, the good offices of the prince of Orange, was not to be despised. Great as it was, Charles I had certainly an exaggerated idea of the power of the stadtholder.<sup>2</sup> He thought, and Sommelsdyk did nothing to disillusion him, that the prince could manipulate the foreign policy of the republic at his will, and that he would be in a position to give effective help in the English domestic troubles. Even before the arrival of the Dutch ambassadors Charles had summoned the Long Parliament, which had begun its resolute attack on the government. Strafford and Laud were already prisoners, Windebank and Finch had fled. In these circumstances Charles I could no longer think seriously of Spain, but the union with the house of Orange could not but attract him more and more as a last resort. He was now even willing to give his eldest daughter to the young prince of Orange.

<sup>1</sup> *Ibid.* p. 327.

<sup>2</sup> Aitzema, *Saken van staet en oorlogh*, v. 336 (I quote from the quarto edition), in relating the visit of the queen to Holland, remarks in his caustic way, that she 'seemed to have been informed of the prince's great authority and power and that he did as he willed with this state'. Indeed, the English court was so impressed by the prince's power that Secretary Coke remarked on it early in 1639 in a letter to Boswell, the resident at The Hague: 'the building of the fort at Breda, as it secureth that place, so it sheweth what great power the Prince of Aurenge hath among them' (State Papers, For., Holland, 155).

Thus, even before it took place, the significance of the marriage was entirely changed; but Frederick Henry was in no wise daunted by that. At the very moment when Sommelsdyk was beginning to realize that the upheavals and divisions in England were too serious to allow of the thought of a political treaty, the marriage united the greatest power in the republic, not with England as a whole, but with one of the parties contending for power, and with that which was for long to fare the worst. On 12 February the contract was signed.<sup>1</sup> When young William of Orange came over and the marriage with Mary took place (2/12 May), the royal family was going through the deep humiliation of Strafford's trial. Mary herself, in spite of her youth, had been present with her parents during the whole tragedy in parliament.<sup>2</sup> A few days before the marriage ceremony the lower house had passed the bill of attainder against Strafford; a few days after it passed the upper house. Even before William (who had to leave his bride behind him for the time being) had left the country, the king had given his assent to the bill. It was certainly no propitious moment for a union with the Stuarts. The English people, who not so long before would have welcomed the protestant marriage with enthusiasm, as a sign that the king was turning away from Spain, now regarded it with suspicion, fearing that Charles had stipulated for help against his subjects.<sup>3</sup>

Sommelsdyk felt by no means sure that the marriage between the children would not in due time be annulled by the English, as there had been such obstinate resistance to all the requests that the nine-year-old Mary might accompany her husband to Holland. Others, too, regarded this as suspicious. As long as 'the bride is not aboard',<sup>4</sup> so ran the opinion of Reigersberch, the brother-in-law of Grotius, it was useless to hope anything from the marriage, and that, he argued, was to the advantage of England, who would be able to extort still further benefits. When the question arose in October of a new embassy to England, ostensibly to negotiate an alliance, but in reality to bring about the *domiductio*, Reigersberch feared that the English would want to 'make use of this goad a little longer',<sup>5</sup> and he expressed

<sup>1</sup> It stipulated, *inter alia*, that the bride should remain in England till she had reached her twelfth year; that her marriage portion should be £40,000, payable in four half-yearly sums of £10,000.

<sup>2</sup> *Archives*, II. iii. 430.

<sup>3</sup> The suspicions of the parliament had so increased by March that the king's commissioners insisted at the last moment that the ambassadors of the prince of Orange should be content with an informal and secret ratification of the contract (*ibid.* p. 400; see also p. 460). This is also what Baillie, the Scottish covenanter, must have had in his mind when on the 7/17 May 1641 he writes from London: 'The precipitation of this marriage is feared by manie' (*Letters and Journals*, I. 351).

<sup>4</sup> 'de bruid niet in de schuit': pp. 649-50.

<sup>5</sup> *Ibid.* p. 674: 'die praem wat langer zullen willen gebruycken.'

anxiety that negotiations carried on in such circumstances would not be very favourable to the interests of the country. But this anxiety proved to be unnecessary. The course of events was such that Charles had no choice in the matter. In 1641 his cause went from bad to worse. Finally, at the beginning of 1642 came civil war. Charles had to leave London at the outset, and he sent his wife, Henrietta Maria, with the princess royal to their new friends in Holland. In announcing their intended journey to the states-general his resident, Boswell, said that Charles was sending his daughter over as a token of his friendship for the Netherlands and that her mother was coming to bear her company. As a matter of fact it was fear for the safety of his wife, the Roman Catholic, whose strong personality had made her the soul of the anti-parliamentary party, which was the main motive of Charles's decision. It was a flight. At the same time Henrietta Maria meant, as we shall see, to seek help in the Netherlands.

The two royal ladies who landed in the Netherlands under such unhappy circumstances were received with great display. All that they now brought to the house of Orange was their royal blood. Frederick Henry was all the more zealous in seeing that this should receive due homage. If we are to believe a royalist writer of the period, he himself never entered the presence of his daughter-in-law, then a child of ten, 'but with a reverence more like a subject towards his sovereign than the freedom of a father towards his son's wife'.<sup>1</sup> In fact, he himself arranged in every detail the formalities with which the princess royal was to be treated once she was delivered into the hands of the Orange family, and they were all calculated to lay continual stress on her rank.<sup>2</sup> On the English side too, great care had been taken that her rank should be maintained. It was by no means a small household that was considered necessary for the king's daughter. It had been stipulated in the marriage contract that she was to have forty English servants, in the appointment of whom the house of Orange had no say, although it had to bear the cost. At the head of her household, it is true, Charles I, acting on the powers he had under the contract, had placed a Dutchman,<sup>3</sup> the same Heenvliet who had been used by Frederick Henry in the negotiations for the marriage. But the aspiring Heenvliet—he was the son of a Leyden professor of

<sup>1</sup> May, *Life of Duke of Gloucester and Princess Mary*, 1661; quoted in Green, *Lives of the Princesses of England*, vi. 128.

<sup>2</sup> Agnes Strickland, *Lives of the last four Princesses of the Royal House of Stuart*, p. 28.

<sup>3</sup> By an act of 10/20 February 1641/2, Bodleian Library, Rawlinson Letters, A. cxv. This volume contains letters written by the Orange family and the Stuarts to Heenvliet and his wife, together with a few official documents of personal interest to them both.

theology and had himself bought the manor of Heenvliet—had given a pledge of his attachment to the English royal family. Shortly before this—his first wife having died in March 1640<sup>1</sup>—he had married an English widow of position, Lady Stanhope, and his ambitions were now centred in English titles and English property. Lady Stanhope was appointed governess to the young bride. The retinue of eighty persons which Mary brought with her from England was modest compared with the 300 followers by whom, according to Aitzema, her mother was surrounded. Frederick Henry paid for the upkeep of her court with resignation, for it practically all fell on him. The states occasionally chafed at their share, when the queen ‘for her amusement’ travelled through the province ‘at the country’s expense, with a retinue of 600 persons’.<sup>2</sup> (Such is the number given, but this probably included the stadtholder’s court.)

The people were dazzled by the splendour of English royalty. In particular the ceremonial reception at Amsterdam made a very deep impression. To that town the princesses, accompanied by the stadtholder and his son, paid a visit in May. In the allegorical scenes which, in the taste of the day, formed part of the celebrations, reference was made to marriages of counts of Holland and Gelderland with English princesses; and thus the prince of Orange was ranked with the former sovereign lords of the country. Vondel’s voice, too, is heard in heartfelt jubilation; in one breath he speaks of the children of kings and princes—

. . . those who by God to Godhead are ordained  
To serve the common weal . . .<sup>3</sup>

Hooft—the scion of an Amsterdam regent family—who in that year dedicated his *Historiën* to the prince, does not, of course, omit a reference to the ‘royal bridegroom’, and even refers to himself as the prince’s ‘subject’ as though he had for the moment forgotten the sovereignty of the states.

All this was just what Frederick Henry had expected; but there was another and an ugly side to it. The people might revel in the display, but that did not alter the fact that the papist queen was far from popular. Events in England were followed with interest,<sup>4</sup> and sympathies were almost universally on the side of the parliament. The religious factor alone was enough to produce this result. Even Dr. Rivet, the tutor of William II, during his stay in England in connexion with his pupil’s marriage,

<sup>1</sup> Reigersberch, p. 605.

<sup>2</sup> *Ibid.*, p. 719.

<sup>3</sup> . . . hen die van Godt tot Godheid zijn ingewijt  
Ten dienst van ’t algemeen . . .

<sup>4</sup> In 1642 alone Knuttel, *Catalogus*, mentions some seventy pamphlets in connexion with the differences between the king of England and parliament, mostly translations of declarations, proclamations, and justifications of the two parties.

could not disguise his sympathies with the parliamentary party.<sup>1</sup> It is true that he never dared give open expression to them,<sup>2</sup> but clerics less closely connected with the court were not so scrupulous. In particular the synod of Zeeland expressed itself more than once with emphasis, and its letters were very welcome to the presbyterian party in its struggle with episcopalians and independents. They were inspired by the minister of the Scottish chapel at Middelburg, by means of whom the Scottish presbyterians kept in touch with the Dutch reformed church.<sup>3</sup> And, indeed, the synod of South Holland, too, learned 'with joy' that the synod of Westminster had put before parliament 'a certain project of church government, agreeing practically on most points with the government of the reformed churches in this country'.<sup>4</sup> In those years, 1644-5, at any rate, the Dutch reformers did not confine their sympathy for the cause of their foreign co-religionists to words. The Dutch church sanctioned a collection for 'the oppressed protestants in Ireland' which amounted to 300,000 guilders.<sup>5</sup> Later, when enthusiasm had cooled under the influence of the rise of the independents and of the war with the English republic, one pamphleteer recalls with bitterness that 'we prayed for them in the churches', and he reproaches the rebels because 'they had used the money collected for them in our country in the struggle against their lawful sovereign'.<sup>6</sup> Whether the generous donors of the years 1644-5 would have been equally reproachful at the time is a matter of doubt.

In any case it is natural that the bishops and their ceremonial should appear hateful to the Dutch Calvinists, and the papist Henrietta Maria was not the ambassador best fitted to make them acceptable. Thus it came about that it was the clergy—in other respects the most loyal adherents of the house of Orange, if sometimes at variance with the worldliness of Frederick Henry and his *protégée* the queen of Bohemia (another Stuart)<sup>7</sup>—who

<sup>1</sup> 'We have meet at length sometimes with Dr. Rivett: he is one fullie in our minds and against the Bishops' (Baillie, i. 351).

<sup>2</sup> Although Baillie encouraged him to do so (*ibid.* ii. 169, 181).

<sup>3</sup> William Spang, cousin of Robert Baillie and one of his most regular correspondents: see Baillie, ii. 75, 115, 180. From the last passage it appears that Spang was sometimes responsible for the printing of the writings which he inspired. Apparently the reference here is to the pamphlet numbered 4990 in Knuttel, *Catalogus*.

<sup>4</sup> 'een seecker project van Kerckelicke regeringe—genoeghsaem in de meeste pointen overeencomende met de regeringe der Gereformeerde Kercken hier te lande' (Knuttel, *Acta der particuliere Synoden van Zuid-Holland*, ii. 505).

<sup>5</sup> *Ibid.* ii. 466-504.

<sup>6</sup> *Ernstig gesprek . . . tusschen drie personen*, 1652 (Knuttel, *Catalogus*, no. 7256), p. 35. In *De Nederlandsche Nijptang*, 1652 (*ibid.* no. 7251), p. 13, the same accusation occurs.

<sup>7</sup> I find for example in State Papers, For., Holland, 155, a letter from Samson Johnson, 'from her m<sup>y</sup>s Court at the Hague' (i.e. from the court of the queen of

shook their heads over the Stuart connexion. In England the religious factor was bound up with the political issue much in the same way as had been the case in the Dutch War of Liberation. Reference to this resemblance was one of the favourite forms of propaganda of the parliamentary party in the Netherlands,<sup>1</sup> a propaganda which was certainly the more effectual in that it was known how Charles had looked to Spain as long as he felt sufficiently independent.

But this traditional Calvinist and democratic opposition to despotism was now linked with the republicanism of the regent class, which before long expressed itself in an unwillingness to make the liberal donation to the young pair, upon which the Orangists had counted,<sup>2</sup> and which is reflected in the biting, caustic observations of Aitzema on the pretensions of the English, their greed for money, &c. Their 'high mightinesses' bowed down to the queen, they kissed the hem of her garment,<sup>3</sup> but they felt none the less uneasy about the royalist invasion, and this feeling was not lessened by the suspicion, soon to be confirmed, that it was not merely a harmless, if annoying manifestation, but a move in the prince of Orange's game.<sup>4</sup> There exists, though the

Bohemia) to Archbishop Laud, dated 5 December 1639, in which he says: 'The consistorie in this towne have done all they could for suppressing of the French players licenced by the magistrate and protected by the P[rince] of Orange as his servants, but their invectives for condemning of all stage-players or the like shewes have bin soe intemperate in theyr pulpitts, that they ar gone backward rather than forward; all the preachers were with the P[rince] of Orange to represent the unlawfulness but it seemes used noe argument that could worke on him, his counsell was that they should preach better and the playes would be less frequented, they came also to her Matye and desired shee would forbear going; her Matye told them that shee conceived t'was a pastime that might be lawfully used and shee would use her discretion; and wondred at their inciviltie; I had nothing to doe in the business, they came not to me but formerly they desired me to preach against barenecks, by reason her Matie. uses to goe toe, which I refusing as being not sent to tell her Matie. how to dress herself, they lett me pass in this business beside there has been a proposition made to the consistorie here by the persons of best qualitie that they might have organs for to play with the psalms as in some townes of these cuntryes, but they plainly denied it.' The festivals in honour of Henrietta Maria gave offence in the same way: see Knuttel, *Catalogus*, no. 4869. Down to the time of his deepest humiliation Charles never ceased to demand that the stipulations of the marriage contract, guaranteeing the observance of the episcopalian form of worship at his daughter's court, should be adhered to. On 6/16 August 1647, in connexion with the report that there were differences of opinion at the court itself on this point, he wrote to Heenvliet from Stoke with strict injunctions to the same effect (Rawlinson Letters, A. cxv).

<sup>1</sup> Knuttel, *Catalogus*, no. 4870; *Lettres inédites de Henriette-Marie*, ed. Baillon, p. 66.

<sup>2</sup> According to Reigersberch, p. 707, the ambassadors in England 'had been generous in promising as much as 50,000 guilders a year, but this without the knowledge or authority of those who would have to pay . . . the States of Holland, seeing many provinces anxious to play the generous at their expense, resolved to give what they wished to give apart and of themselves, leaving the others to carry out their own liberality'. See also Aitzema, v. 343.

<sup>3</sup> Aitzema, v. 335.

<sup>4</sup> 'Many are only just seeing the results of this alliance,' writes Reigersberch, 24 March 1642 (p. 708), and he adds 'and all do not see it yet'.

authority for it is unhappily dubious, a dramatic story<sup>1</sup> of the refusal of the prince's *entourage* to admit the sovereignty of brewers, bakers, and feltmakers over one so highly allied. Whatever may be its truth, the royal alliance gave birth to a universal suspicion that the stadtholder was aiming at sovereign power.<sup>2</sup>

All the more closely was his foreign policy watched. And here the oligarchy and the Calvinist populace—a rare occurrence in Dutch history—found common ground in their disapproval of his policy. Under the existing form of government in the republic it was only the states of Holland, as I have already pointed out, who could offer any effective resistance. But on this occasion they could count upon much more moral support than in most of their conflicts with the princes of Orange. Thus among the firstfruits of Frederick Henry's dynastic triumph must be counted not only the fact that new life was infused into the opposition of the states of Holland to the stadtholderate,<sup>3</sup> but also the fact that they appeared against him as the defenders of a national policy.

The issue was one of no small importance: the question was whether, in the struggle between the king of England and the parliament, which broke out openly in 1642, the Netherlands should remain neutral or range themselves on the side of the king, at least to the extent of giving him secret support. Holland was powerful enough to secure the acknowledgement of neutrality as the official policy of the state;<sup>4</sup> it was, indeed, unmistakably in the national interest. But the interpretation of neutrality adopted by the states-general under the influence of the stadtholder was such as to permit the export of arms and munitions. The official neutrality, therefore, gave little satisfaction to the English parliament, and the dispatches of Joachimi, the ambassador of the republic in England, continually reported strong complaints from that side.

The chief care of Henrietta Maria and her advisers during their stay in the Netherlands was to put the king in a position

<sup>1</sup> Green, *Princesses of England*, vi. 129. The statement of source is not satisfactory: 'Letter of La Fin, page of the Prince of Orange, to his brother, 10th March, 1641.' The date is obviously Old Style, 20 March 1642. Some of the details too are obviously apocryphal. For instance mention is made of a tribunal of the states-general at The Hague.

<sup>2</sup> Aitzema, v. 467; *Archives*, II. iv. 166.

<sup>3</sup> Reigersberch writes in November 1643 to Grotius (p. 740) that 'the present vigour of many has its origin more in umbrage on account of English affairs and religious ideas than in steadfast principles of state policy and freedom'. Reigersberch, a remonstrant republican, objects to the English policy of the stadtholder, but he regrets that the new vigour against the prince's supremacy had no more steadfast principle as a basis. By 'religious ideas' he means, of course, the Calvinist sympathies with the presbyterian parliament.

<sup>4</sup> See the dispatch of the states-general to Joachimi, 26 July 1642, in Muller, *Mare Clausum*, p. 318, n. 3.

to defend himself, to help him with money, troops, and munitions. Frederick Henry gave them valuable support in this. He was the only power on the Continent prepared to exert himself on behalf of the king's cause—Henrietta Maria knew full well that she could expect nothing from her brother, the king of France, and his government—and without his help Charles I could not have held out so long. Indeed, Frederick Henry's services were by no means small. Not only did he bear the burden of Henrietta Maria's retinue, but he took immediate steps to borrow for her on his own credit a sum of 300,000 guilders, and this at a time when his own income was no longer adequate for his standard of living.<sup>1</sup> As captain-general of the states' army, moreover, he could render the king great service by allowing English officers, serving under him, to join the royalist army.<sup>2</sup> Thus it was that in August 1642 Charles's cousin, Prince Rupert, left the republic with his brother Maurice and a following of some hundred officers. Frederick Henry even placed one of the country's warships at their disposal when it proved difficult to find a means of transport.<sup>3</sup> Moreover, in spite of the scruples of the responsible official<sup>4</sup> he allowed guns from the country's arsenal to be sold to the royalists.

This was not enough. One of the main things the queen had to do in the Netherlands was to raise a loan on the Crown jewels, which were valued<sup>5</sup> at a sum of 1,265,300 guilders. It was no easy undertaking. The bankers thought the stones too large, they did not in general care to do business with princes; but the greatest difficulty was that the parliament had made a serious protest to Joachimi that the queen had no authority to dispose of the jewels. Heenvliet, who represented the prince with the queen in Holland (the prince himself had been with the army in the field since June), did all he could by his mediation with men of experience and influence, but it soon became clear that the transaction was impossible unless the prince were willing to raise a loan on the jewels in Amsterdam in his own name, and thus run directly counter to a protest of the parliament. Heenvliet had once declared to the queen<sup>6</sup> that it would not do

<sup>1</sup> See the letters of his treasurer Volbergen in Worp, *Briefwisseling van Constantijn Huygens*, iii, *passim*. Volbergen had a great deal of trouble in raising the 300,000 f. in Amsterdam. They had to submit to an interest of 7 per cent.

<sup>2</sup> How entirely dependent on his favour every one was in such cases appears very clearly in my article 'Troepenlichten en schepenhuren in de dagen van Frederik Hendrik' in *Bijdragen*, 1918.

<sup>3</sup> Scott, *Rupert, Prince Palatine*, p. 59, gives 'Coulster' as the name of the captain of the ship placed at their disposal by the prince. Reigersberch, p. 728, writes on 30 June 1642 that Rupert and Maurice, 'with a following of some hundred officers', left for England 'yesterday'. That must have been the first unsuccessful attempt to cross, which Miss Scott, however, places in August.

<sup>4</sup> *Archives*, II. iv. 40.

<sup>5</sup> *Ibid.* p. 52;

<sup>6</sup> *Ibid.* p. 39.

openly to provide arms from the arsenals while preparations were being made for mediation ; that this would be ' *procéder contre la foy publique et tout honneur* '. Whether it was any more loyal or honourable to do it in an underhand way is a moot point ; but the raising of a loan on the Crown jewels in Amsterdam in the prince's name—for Frederick Henry succumbed to the entreaties of the queen, faithfully repeated to him by Heenvliet—was done more or less publicly.

Was Frederick Henry persuaded by the power of her pathetic entreaties, or was he moved by the reproaches which Henrietta Maria, proud and passionate, did not spare him ? The promise of fresh favours carried more persuasive power than the reference to those already granted, now that the little princess had been delivered up irrevocably to the house of Orange,<sup>1</sup> and undoubtedly more than the pressure the child herself had at times to exert under the influence of her parents' despair.<sup>2</sup> If Frederick Henry and Amalia van Solms (for express mention is frequently made of her zeal,<sup>3</sup> and it is pretty well known how ambitious she was), if the prince and princess of Orange took so much trouble to satisfy the queen ; if they submitted to her vehemence and her threats ; if they led the republic again and again to the brink of a breach with the parliament and were ready to bear the brunt of a bitter contest with the states of Holland ; it was above all because the prospect was held out to them of a second marriage, a marriage between the prince of Wales and their daughter, Louise Henrietta. While they were still in England Henrietta Maria and Heenvliet had already discussed the question. Now in conjunction with the queen's counsellors, Goring and Jermyn, they worked together continuously to win over the prince. Jermyn, writes Heenvliet, is urging the affair of the jewels and the permission for officers and soldiers : ' *il mesle tousjours parmy son discours l'affaire que V.A. scait.*'<sup>4</sup> He did not do it very delicately either, but said quite bluntly 'that the one thing would be done in return for the other and not for nothing'. This was why Heenvliet was always anxious lest the queen should be displeased, at least if for a moment his personal interests are left out of

<sup>1</sup> Reigersberch, p. 701, wrote immediately : The state will profit to this extent that, the bride being brought home, they will not have to court England's favour so much (' *men minder schoon op sal hebben te dienen* '). The queen herself wrote to the king : ' *Je travaille avec le Prince d'Orange et espère en avoir contentement, quoyque ce soit une personne malaysée à engager ; mais les intérêts ont de grands pouvoirs.*' 17 March 1642 (*Lettres inédites de Marie-Henriette*, p. 25).

<sup>2</sup> 'Dearest Daughter, I desyre you to assist me to procure from your Father in Law the loane of a good ship to be sent hither to attend my commands. It is that I may safely send and receive Expresses to and from your Mother' (Charles to Mary, Newcastle, 16/26 September 1646, Rawlinson Letters, A. cxv).

<sup>3</sup> See, for instance, *Archives*, II. iv. 43.

<sup>4</sup> *Ibid.* p. 49.

account,<sup>1</sup> and this it was that led him to 'make excuses' for the states of Holland<sup>2</sup> and to speak so highly of the good disposition of the prince. And this was why the prince, as he himself expressed it, did 'the impossible' in order to please her.<sup>3</sup>

The most important question, during the queen's stay in Holland (she returned in March 1643) after the loan on the jewels, the question, too, which led to the first serious clash of the prince of Orange and his adherents with the states of Holland, was in connexion with the export of the arms and munitions which had been bought for the king in the Netherlands, and with that was bound up the question of the attitude to be adopted towards Strickland, the envoy whom the parliament sent in September 1642, with the express purpose of prevailing upon the states to forbid the traffic. Heenvliet was taken aback by the queen's excitement at the appearance of 'this person'—an excitement which became even more intense when the states-general received him—not, it is true, in a full assembly but through a deputation from all the provinces—and listened to his message. The most important item in this was a complaint that a number of ships from Dutch harbours laden with munitions for the king's army had been equipped, and that several were lying ready for departure at that very moment. The majority of the states-general had only reluctantly decided to receive the envoy. They had at first tried to escape from the necessity by making all sorts of excuses, and immediately afterwards, in order to soften the impression of their action, they had given a ceremonious reception to one of the king's ambassadors who was passing through the country.<sup>4</sup> Yet it is not surprising that they dared not offer an affront to the parliament. Its dominance was assured over the greater, or at least the more important part of England, and, above all, it was powerful at sea and jealous of its maritime interests. Holland, therefore, was anxious to do more than was strictly necessary to avoid the resentment of the parliament. She was anxious that attention should be paid to the complaints of Strickland, and knowing well that no determined action on the part of the states-general was to be expected in this matter, the states of Holland took it into their own hands, and themselves ordered the detention of the ships to which Strickland had referred, and which were all in ports of Holland.

<sup>1</sup> In April 1645 Charles I gave him a barony with the title of baron de Kerckhove. Whereupon Jermyn wrote to Digby that this was not enough in view of the fact that the queen in Holland 'upon the important services she received from Heenvliet' promised a title for his son by Lady Stanhope. On 7 June 1649 Charles II fulfilled this promise by creating the son himself Baron Wotton of Marley (Rawlinson Letters, A. cxv).

<sup>2</sup> *Archives*, p. 43.

<sup>3</sup> *Lettres de Marie-Henriette*, II. iv. 402.

<sup>4</sup> Arend, v. 383.

This made the queen furious, and she was in no wise to be soothed by the circumstance that the Hollanders, once they had embarked on investigations, discovered also ships destined for the parliament, and ordered that these should be detained with the others, because, they said, they wished to observe neutrality.<sup>1</sup> It was precisely this equality of treatment which she felt to be insulting. She called Frederick Henry to her assistance with the loudest complaints and reproaches. 'The states', she declared to Heenvliet, 'promised that the marriage alliance should not be the concern merely of his highness but also of the state; but they are not acting up to this.'<sup>2</sup> The prince, reminded in this way of the ambiguous assurances of Sommelsdyk, could hardly do less than admit that the Hollanders had been mistaken in their action,<sup>3</sup> but all the same he could not change the policy of neutrality. Theoretically there might be something to be said for the view that it was only to the king that the republic was bound by treaties,<sup>4</sup> but actually it was impossible to identify the king with England, when the power of the parliament had become so great and tangible a reality.

The prince could not prevent the states-general from issuing a general proclamation on 1 November 1642 forbidding the export of arms to either of the contending parties. Thus the principle maintained by Holland was definitely accepted as an article of federal policy, and Strickland had gained an important success.<sup>5</sup> Yet the prince continued to work against it in an underhand way, and as several of the smaller provinces and some of the administrative colleges of the generality were devoted to him, he was able to do so with no little effect. The clerk (*greffier*) of the states-general, Cornelis Musch, a great friend of Heenvliet according to the latter's own statement,<sup>6</sup> was invaluable as an agent for invalidating the resolutions, which his masters for form's sake were every now and again obliged to issue, ordering the detention of munition ships. Strickland felt greatly aggrieved by his attitude.<sup>7</sup> He took to heart even more the treatment he was

<sup>1</sup> *Archives*, II. iv. 71. The Hollanders were particularly moved by the report that there were 'canons d'état' on board these ships. They found none, but this does not mean that the report had no foundation in fact.

<sup>2</sup> *Ibid.* p. 69.

<sup>3</sup> Letter to Heenvliet, *ibid.* p. 75.

<sup>4</sup> Reigersberch, p. 727, writes: 'Actually the alliance is made with the king, so that it cannot rightly be proved that arms may be denied to him.' He says also that Amsterdam and Rotterdam in the states of Holland were against a prohibition of export (in June 1642), 'under the pretext that trade must be free'.

<sup>5</sup> A year later Boswell still writes about this resolution with the greatest indignation in a letter to his government, which happens to have been preserved, because it was intercepted by the parliamentary party (State Papers, For., Holland, 157).

<sup>6</sup> *Archives*, II. iv. 73.

<sup>7</sup> On 11 November 1642 Strickland writes to Pym that he has given information about a munition ship to the states-general, 'but there is so much form in their resolu-

to receive, in the beginning of December, at the hands of Renswoude, one of the gentlemen, be it noted, who shortly before had been appointed to take part in a mediatory embassy.<sup>1</sup> Strickland went to him on one occasion when he happened to be 'president of the week' (of the states-general) to talk to him about some ships at Medemblik which were to transport officers and 200 to 300 men, besides twenty guns. Without even looking at the note which Strickland handed to him, Renswoude declared that he could not prove it and demanded the name of his informant. But, writes Strickland, no English or Dutch merchant would have cared to be mentioned as informant for fear of the displeasure of 'great ones'. The envoy declared that he would be of no use in the Netherlands unless his government made it clear that there must be an end of such treatment. Probably with a view to mollifying him, the prince himself received Strickland when the latter came to him shortly after this incident with a letter from the parliament.<sup>2</sup> But this roused the anger of Henrietta Maria again to such an extent that the prince instructed his confidants to declare that Strickland had taken him by surprise and that he should not be received again. Soon after this a far more serious clash took place between the parliamentary envoy and the states-general. The queen was already back in England. She had crossed in March 1643 with several shiploads of arms and soldiers and escorted by a Dutch fleet under Tromp, who, after her landing, even had to defend her against a bombardment by the parliamentary fleet. In April 1643 Strickland approached the states-general with the complaint that there were twenty-four ships lying at Dunkirk all ready to sail out against the parliament, and that the prince of Orange had already given passports to two of them to enable them to get through the Dutch blockade. The attitude of the prince in face of the danger that Spain might use Dunkirk as a base from which to help Charles I by sending support to the Catholic revolt in Ireland had for a long time past given rise to suspicion. But the prince explicitly denied

tions as to make the work fruitless. When I sought to hasten it the Greffier, who is to despatch the order, told me that he cared not whether she were gone or not. I find him harsh in all that concerns the Parliament' (*Hist. MSS. Comm.*, *Xth Report*, vi. 91). See also *Archives*, II. iv. 43. The council of state allowed itself to be used by Frederick Henry, and up to a certain point, as it appears, the admiralty college of Amsterdam. Concerning Musch, as late as 16 April 1645 Dr. Goffe writes to Jermyn (*Digby's Cabinet*): 'He is a very serious servant of her Majesties, and ought to be gratified whatsoever becomes of other businesse.' And, as a matter of fact, at the end of May 1645 he received a gift of 3,000 guilders (*ibid.* p. 39).

<sup>1</sup> *Hist. MSS. Comm.*, *Xth Report*, vi. 93. Renswoude, like Musch, was one of the confidants of the prince of Orange (*Archives*, II. iv. 97).

<sup>2</sup> Reigersberch, pp. 730 ff.

the imputation now made against him, and the states-general resented so greatly the insult offered to the stadtholder that it looked for a time as though the incident would lead to a rupture of relations. Once more, however, it came to nothing, but the Orange party soon tried to bring about the breach in another way.

This was in connexion with the attempts to mediate between the contending parties. As early as January 1642, Joachimi as ambassador of the republic in England had been instructed to make an offer of mediation. But Joachimi was not the man the royalists wanted. The states-general would have liked them to give him the support of Heenvliet, who was still at the English court in the capacity of envoy from the prince of Orange. Holland, however, refused to agree to this because mediation through Heenvliet would have been tantamount to choosing sides. The prince of Orange endeavoured nevertheless to induce Joachimi to submit to the co-operation of Heenvliet 'either in my name or otherwise',<sup>1</sup> but the states of Holland had taken the precaution of informing the ambassador of their objection,<sup>2</sup> so that nothing came of this. This was rather a strong step for Holland to take: it shows how soon the English entanglement had resulted in the states rising against the stadtholder.<sup>3</sup> And in truth when one sees what was Heenvliet's conception of the task of a mediator, it is difficult to do otherwise than applaud their clear-sightedness. He objected to Joachimi's way of carrying out his work as mediator in the open. He, Heenvliet, would have begun, by secret attempts, in consultation with the king, to lure certain gentlemen from the parliamentary party by the offer of titles, offices, and other favours.<sup>4</sup> Joachimi soon had to report that the parliamentary party would not hear of mediation; yet, when Henrietta Maria arrived at The Hague, a plan was immediately mooted to send a special embassy for the same purpose. Holland alone, basing her actions on reports from Joachimi 'that no mediator from this country would be pleasing to the parliament',<sup>5</sup> opposed this proposal in the states-general, but in May she had to come into line, not, however, without making reservations,<sup>6</sup> one of which, namely that the ambassadors should not attempt to sow dissensions among the members of the parliament, shows that there were still apprehensions about Heenvliet's methods. In fact the gentlemen delegated for the

<sup>1</sup> *Archives*, II. iv. 9.

<sup>2</sup> *Ibid.* p. 17.

<sup>3</sup> Reigersberch, p. 699, comments on it with approval as 'signs of public vigour', although he depreciated the motive, calling it 'private interests' and bewailing the fact that this vigour 'is never to be found in matters of more weight and importance'. See p. 367, n. 3, above.

<sup>4</sup> *Archives*, II. iv. 18.

<sup>5</sup> Reigersberch, p. 707.

<sup>6</sup> Arend, II. iv. 371.

embassy, William Boreel and Reede van Renswoude, inclined towards the royalist cause.<sup>1</sup>

But it was a long time before they set out on their mission. At first the English royalists in Holland, much to the annoyance of the prince of Orange, it must be admitted, would have nothing to do with the peace-mission.<sup>2</sup> Later it was once more Holland that obstructed it. It was hinted in the states-general that Holland thought that the continuation of the civil war would be advantageous to her trade;<sup>3</sup> and Charles's resident at The Hague made the same observation.<sup>4</sup> But it is not probable that it was this conviction that led the states of Holland to obstruct the mediation. Their principal objection was, without doubt, that an embassy, over which the prince of Orange had so much influence, would inevitably compromise itself with the royalist party and lead the state into difficulties with the parliament. Holland, therefore, conceived the idea of insisting that some one of less Orangist tendencies should be added to the embassy.<sup>5</sup> But nothing came of this, and it was difficult for Holland to persist in her opposition when, in 1643, the position in England seemed to have altered so much to the disadvantage of the parliament that Joachimi, who had spent the last months of 1643 in Holland (but was to remain ambassador in London for some years), declared that the embassy would be able to accomplish something, while Strickland refused to make any pronouncement. Thus in October 1643 Holland agreed to the departure of the envoys, and early in the following year they at last set out.

It goes without saying that the leaders of the parliamentary party received them with suspicion. The war was just beginning to turn in their favour, they had concluded an alliance with Scotland, Charles was in grave danger. In the beginning of

<sup>1</sup> William Boreel (Elias, *Vroedschap van Amsterdam*, i. 540), a member of a well-known Zeeland family, had settled in Amsterdam and became pensionary of the town in 1627. He was none the less an Orangist. Heenvliet took him into his confidence over the question of the Crown jewels (*Archives*, ii. iv. 43). One of his sons became a gentleman at the court of Frederick Henry. Boreel took a warm interest in the career of this young man (see Worp, *Briefwisseling van Huygens*, v. 55). He himself owed his appointment as ambassador at Paris to William II. According to a note, the source of which I cannot trace, he received in that capacity 1,000 livres a year from the prince over and above his salary. Renswoude, the well-known Orangist deputy for Utrecht in the states-general, was a brother of Reede van Nederhorst, who belonged to his highness's council (Waddington, *La République des Provinces Unies*, ii. 257, 260). Strickland wrote concerning Renswoude in December 1642, with great annoyance as a strong anti-parliamentarian (*Hist. MSS. Comm.*, Xth Report, v. 93). Henrietta Maria received a visit from one of them which very much pleased her (*Lettres*, p. 31).

<sup>2</sup> *Archives*, ii. iv. 39. See also Reigersberch, p. 726.

<sup>3</sup> The French ambassador, Harcourt, too, writes in the same spirit (*Archives*, ii. iv. 97).

<sup>4</sup> State Papers, For., Holland, 157.

<sup>5</sup> Reigersberch, p. 734.

December 1643 a letter was intercepted, in which one of his counsellors wrote to a royalist at The Hague to urge the necessity of sending over the three ambassadors.<sup>1</sup> Indeed, even without that it was sufficiently well known in England that the mediation emanated from the Orangist states-general, and that both the envoys extraordinary, Boreel and Renswoude, were declared adherents of the prince of Orange and had already shown themselves inimical to the parliament. Also it can hardly have been a secret that Renswoude was in frequent correspondence with the stadtholder's court.<sup>2</sup> So when the ambassadors were at Oxford, where the king had his court, we find the Scotsman, Baillie, writing that they would be able to accomplish nothing, 'for they are taken here (in London) for the prince of Orange's creatures'.<sup>3</sup> It is not surprising that they met with a better reception in Oxford than in London, where the leaders did their best to isolate them.<sup>4</sup> Baillie complains loudly that, taking advantage of a moment of discouragement after the disaster of Newark, they created dissension in the parliament and between England and Scotland,<sup>5</sup> and the ambassadors themselves admit in their report—which, however, as Holland was sure to examine it closely, can only have been written with a minimum of frankness—that they were persuaded into staying a little longer in London so that the 'good' people, i.e. the peace-lovers, might not lose hope of some arrangement.<sup>6</sup> After another journey to Oxford they came back to London and stayed there for months, but they got only empty compliments and were treated at times with a good deal of impatience. Among the people wild rumours were afloat concerning the evil intentions of the principals of the so-called mediators, and they were put in such a false position that they begged to be recalled. The states-general, however, instructed them to make one more attempt. Without doubt the prince of Orange and his royalist friends had come to think that they would yet be able to do service to the king's cause.<sup>7</sup>

<sup>1</sup> Baillie, ii. 113.

<sup>2</sup> See his letters to Huygens, the prince's secretary, in Worp, iv, *passim*; Worp calls him by his family name Reede. In these letters Renswoude makes no secret of his anti-parliamentary leanings, e.g. 'the government of the parliament means ruin to our state' (4 November 1644, p. 95); or, 'I understand that Joachimi is working secretly in Holland that he may come with us, which will be to the disadvantage of his highness and the king; must therefore be prevented' (10 March 1645, p. 131).

<sup>3</sup> Baillie, ii. 143. Shortly after this, he says simply that they were 'sent by the prince of Orange to serve the king's ends'.

<sup>4</sup> Arend gives a detailed *résumé* of the report handed to the states-general by the ambassadors on their return. <sup>5</sup> Baillie, ii. 155, 167. <sup>6</sup> Arend, v. 501.

<sup>7</sup> See Huygens to Joachimi, 6 February 1645 (*Archives*, ii. iv. 128): '... Il a esté procuré que nos ambassadeurs n'auront à bouger d'Angleterre pour quelque temps, vers où donc, si la France se résout d'en envoyer de son costé durant leur séjour par delà, ils pourront entrer dans les communications que vous sçavez et veoir à quelle sorte de concert les affaires se pourront conduire entre leurs mains.'

So they went—it was now 1645—for the third time from London to Oxford and back again. On this occasion the suspicions of the parliamentary party<sup>1</sup> led to an unpleasant incident which was taken very much to heart by the ambassadors, and it was in a very bad humour that, in April 1645, they delivered their farewell speech to the parliament, a speech that added fuel to the flames. In it they made it very clear that they held the parliamentary party to blame for their failure, and in London the conclusion was drawn that the states-general had at last decided to range themselves openly on the side of the king.

Certainly the report which the ambassadors presented to the states-general on their return seemed to point to that conclusion,<sup>2</sup> and it is difficult to escape the impression that in this they were faithful to the original intention of the Orange party in dispatching this mission. At any rate we know from letters which have been preserved by chance,<sup>3</sup> that in April, while they were still in England, the prince of Orange was already discussing with an emissary of the king, one Dr. Goffe, how to make the best use of their return in order to get the states on the side of the king,<sup>4</sup> and that after their return they were working, in close touch with the stadtholder's court and with the same Dr. Goffe, to overcome the opposition of Holland to their policy. Goffe was delighted at their zeal. The prince of Orange himself spoke of them in the highest terms to the Englishman: 'Ils se crèveront', said he, if they do not succeed in accomplishing some good.<sup>5</sup> And Goffe declared that their report was so clearly in favour of the king, that his case could not have been better pleaded by one of his own subjects.<sup>6</sup> As for Boreel, his 'mind was set on serving the king', and he was 'determined to do something in the states which shall be very high and bold'.<sup>7</sup>

But the bold plan did not succeed. It is typical of the dynastic and autocratic character of Frederick Henry's policy in this matter, that every one was agreed that the object could only be attained if the states-general allowed the ambassadors

<sup>1</sup> More particularly of the Independents.

<sup>2</sup> Arend, II. v. 518. See also the bellicose tone of a letter from Renswoude to Huygens of 14 August 1645 (Worp, iv. 192).

<sup>3</sup> On 6/16 March 1646 the house of commons issued an order for the publication of the papers of Digby, which had fallen into their hands in the previous year in a battle at Sherburn in Yorkshire. They were published under the title, *The Lord George Digby's Cabinet, &c.* A Dutch translation of the parts of most interest to Dutch readers appeared under the title, *Eenighe extracten uyt verscheide missiven, gevonden in de Lord Digby's Cabinet . . . Tot Londen, ghedruct by Robert Wood; Knuttel, Catalogus, no. 5252; 'Holl. druk' according to Knuttel.*

<sup>4</sup> *Digby's Cabinet*, Goffe to Jermyn, 17/27 April: 'When the ambassadors are returned, all endeavours shall be used to induce the States to a League defensive and offensive.'

<sup>5</sup> *Ibid.*, Goffe to Jermyn, 8/18 May.

<sup>6</sup> *Ibid.*, Goffe to Jermyn, 15/25 May.

<sup>7</sup> *Ibid.*, Goffe to Jermyn, 1/11 May.

to manage the English affairs with a small committee, in which, of course, the court would be able to make its influence felt. Holland again opposed this with energy, and as she had armed herself against attempts of this very kind two years before—I shall refer to this again<sup>1</sup>—the Orangists could not get the committee appointed and there was no question of a formal renunciation of neutrality. But even then they did not give up hope of reaching their goal by devious paths. As late as June the prince was still assuring Goffe that he cherished the highest hopes :

Hee had given Sir William Boswell his taske, to propose the liberty of their Havens and hiring of ships, and the Ambassadors theirs to urge the necessity of granting of Letters of Reprisall to the many complaints received in England from their owne people, and then he added : Croyés-moy, par ce moyen ils seront engagés insensiblement dans une guerre.<sup>2</sup>

But this was equally unsuccessful. The ambassador had already tried, in 'pointen van consideratie', to draw attention to the harm caused to trade by the parliament's supremacy at sea.<sup>3</sup> But the Hollanders, who must have smiled to themselves at the ardour of the stadtholder's party for their trade interests, managed to get the states-general to refer these matters to the provinces and thus to postpone them. The Orangist deputies in the states-general certainly succeeded in making the parliament suffer a few pin-pricks. When, for instance, Strickland came forward to clear his masters from blame for the lack of respect shown to the ambassadors during their stay in London—a great deal was made of the so-called insults offered them by the parliament—at the instance of Boswell he was denied a hearing. The states of Holland, however, received him, and he was able to express himself freely to them over the partiality with which the ambassadors had conducted themselves in England. Holland was not so easily intimidated as Dr. Goffe and the prince had anticipated, and still less so since several other provinces, somewhat hesitatingly to be sure, ventured to join in the opposition to the unpopular Stuart policy of the court.<sup>4</sup>

Even apart from the general question of war or peace with Spain, which began to be acute again in 1645, this was not the only point of foreign politics on which the prince and the states differed. In 1644 and 1645 the war in the Baltic was at its height, and in this conflict the republic threw the weight of her influence on the side of Sweden. This policy was required by the

<sup>1</sup> See p. 382, below.

<sup>2</sup> *Digby's Cabinet*, Goffe to Jermyn, 29 May/8 June.

<sup>3</sup> Aitzema, vi. 75

<sup>4</sup> Gelderland and Friesland voted with Holland for the reception of Strickland. The Frisian delegates, it is true, conformed at the express bidding of their stadtholder, although their states had made the opposite decision (Aitzema, vi. 77).

interests of trade. Denmark was supreme in the Sound and took advantage of this supremacy to exact tolls which no country felt so heavily as the Netherlands. Added to this was the fact that in the wider European policy Denmark had for a long time been inclining towards alliance with the Habsburg party. But the king of Denmark was an uncle of Charles I, and he was to play an important part in the plans for the Stuart king's restoration. The outbreak of the northern war was a disappointment to the royalists, who had all along counted on help from Danish troops.<sup>1</sup> Especially when the war turned to the advantage of Sweden, Frederick Henry thought it his business to save Denmark, but the states of Holland were not to be restrained. The prince's warning that his plans against Antwerp would be endangered by a new war—and this was the only argument of which he could make open use<sup>2</sup>—had little or no influence on Holland, which did not want to see the conquest of the great commercial town on the Scheldt. On the contrary, at the beginning of 1645 the Hollanders threatened to withhold all contributions to the campaign in the southern Netherlands, if they were not allowed to carry out their northern policy. Frederick Henry, with the odium of his dynastic policy, could not prevail against the public opinion which supported the states of Holland. However, with the help of Zeeland, which was more dependent on him than any other province, he worked against their policy, and his attitude so embittered the Hollanders that an anonymous statesman felt called upon to warn him 'not to strain this rope too much lest greater ill arise therefrom'.<sup>3</sup>

The public of that day had their suspicions, which were to be confirmed in the following year,<sup>4</sup> as to the incentive for this new outburst of zeal for the Stuart cause. At the beginning of 1644, when the ambassadors were on the point of crossing to England, a French statesman at The Hague wrote<sup>5</sup> that a number of people were of opinion that Renswoude had a commission to begin fresh negotiations in connexion with a marriage between the prince of Wales and Louise Henrietta of Orange. There is no evidence that this was so: no trace of it is to be found in the archives of the house of Orange: in Renswoude's own letters the subject is not mentioned, and in the correspondence with the English his name does not occur. But the first letter of Rens-

<sup>1</sup> See Kernkamp, *De Sleutels van de Sond*, p. 44.

<sup>2</sup> The suspicion that it probably was not that, but 'also on account of the marriage alliance between himself, the king of England, and Denmark', is expressed in Van der Capellen, *Gedenkschriften*, ii. 98, and Van der Capellen was by no means inimical to the prince.

<sup>3</sup> *Ibid.* ii. 98: 'om deze coorde niet te stijf te trecken, opdat daeruyt niet erger kome te ontstaen.'

<sup>4</sup> See p. 376, n. 3, above.

<sup>5</sup> *Archives*, II. iv 97.

woude, which has been preserved, is not until 7 April,<sup>1</sup> and it is certainly apparent from what he writes to Huygens on more than one occasion that he had yet other means of keeping in touch with the prince while he was in England. In any case it is a fact that he and his colleagues had hardly arrived in Oxford, when the subject of the marriage, which had been allowed to lapse<sup>2</sup> in 1643, when the king's prospects were better, was again broached in a letter from Jermyn to Heenvliet.<sup>3</sup> And so while the Netherlands ambassadors were 'mediating' under an instruction which *inter alia* expressly forbade them to listen to proposals for an alliance until the contending parties were reconciled,<sup>4</sup> Charles I and Frederick Henry were not only busily negotiating about the second marriage scheme, but, in close connexion with this, also about a political alliance. In 1641 the English court had been content with a marriage alone, relying on the assurances of Sommelsdyk that in this way they would win the friendship of the states. Now, with the wisdom of experience, they wanted to make the marriage the price of a formal alliance.

The plan in the form in which it was presented to Frederick Henry in June 1644 by Dr. Goffe contained two alternatives :<sup>5</sup> if France was willing to participate, it was to be a triple alliance, whereby the republic should provide ships for the transport of French troops to England. If France was not willing to participate, the republic was to conclude a truce with Spain, in order to have her hands free, and to send the English troops in her service over to England by whole regiments. Frederick Henry replied immediately that a truce with Spain was impossible without France, in view of the treaties with the latter country. Indeed, a month or two before this date, the French plenipotentiaries for the congress at Münster had written from The Hague, that the prince of Orange was too conscious of the unpopularity he had brought upon himself by the English connexion to risk a peace which would make it easier to get on without the captain-general.<sup>6</sup> To conclude peace or a truce without France, which would thus become alienated, with the express purpose of forging a still closer bond with the Stuarts, would be too hazardous. But it did not seem at all impossible that France would participate. Since the death of Richelieu in 1643, a more favourable attitude towards the Stuarts had grown up in that country, and Charles was not without hopes in his negotiations with Mazarin.<sup>7</sup> Thus

<sup>1</sup> Worp, iii. 473.

<sup>2</sup> See Gardiner, *History of the Civil War*, i. 328.

<sup>3</sup> *Archives*, II. iv. 98.

<sup>4</sup> Arend, II. v. 493.

<sup>5</sup> *Archives*, II. v. 103.

<sup>6</sup> *Ibid.* II. iv. 97.

<sup>7</sup> The attitude of France towards the English differences was no more honest than that of the Orangist majority in the states-general, but it was certainly more cautious. In the British Museum there is a bulky volume comprising 'Négociations de M. de Sabran en Angleterre en 1644' (Add. MS. 5460). The Instructions, dated 19 April

it was that in 1645 the prince of Orange had accepted the English conditions that he should try to induce the states to declare against the parliament, and that he should have 3,000 troops raised and sent to England; but only in conjunction with France.<sup>1</sup> All his great plans were linked together. The support that was to be given to Charles I must be based on the alliance with France, who in her turn must help him to win a share of the southern Netherlands, either by war or by peace with Spain, for early in 1646 there was talk of a reconciliation between France and Spain with the southern Netherlands as prize. The French obtained the prince's agreement to this not only by holding out the prospect of an independent position for him outside the dominion of the states<sup>2</sup> (preferably in Antwerp), but also by hinting that, if only they had their hands free in relation to Spain, stronger co-operation might be expected from them in the restoration of Charles I.<sup>3</sup> To the states these plans were not only objectionable in themselves, but they were particularly disturbing because they so clearly tended to increase the power of their stadtholder. Allied to two great monarchs, one of whom, the French king, would have become an immediate neighbour of the state, master of new and important territories, the states could no longer have stood against him.

We have already seen that the danger spurred the states of Holland to a successful resistance. The triple alliance between France, the republic, and Charles I, on which the English royalists had set their hopes, came to nothing. Yet another member of the Stuart combination, Denmark, as we have already seen, was put out of action by Holland, despite all the endeavours of Frederick Henry. Circumstances, moreover, favoured Holland. France's co-operation was often lukewarm. If Frederick Henry did not always display enough strength of mind in the struggle with the states of Holland in May and June 1645, this was attributed by the ambassadors after their return from England to 'private discouragements' he had suffered at the hands of France. They advised, therefore, that the queen of England should try to use her influence with the queen regent and Cardinal

1644, say that the attempts of Grécy to mediate between king and parliament were not acceptable to the parliament because he showed himself too much an adherent of the king. Sabran is now to 'appuyer les justes prétentions du Roy et le favoriser en tout et par tout', but 'avec tant d'adresse qu'on ne puyasse luy imputer qu'il soit son partisan'. 'La raison d'état' requires that, because he is to appear as a mediator and also because 'la raison d'état exige qu'en une chose incertaine on ne se déclare pas si ouvertement que, s'il arrivoit un changement qu'on n'eust peu prévoir, l'on ne se trouve pas hors termes de s'accorder avec celluy qui sera resté le Maistre'.

<sup>1</sup> *Archives*, II. iv. 134.

<sup>2</sup> Fruin, *Verspreide Geschriften*, iv. 139; Wicquefort, *Histoire des Provinces Unies* i. 81.

<sup>3</sup> Fruin, iv. 137.

Mazarin.<sup>1</sup> But fate was against the whole scheme. The Stuart cause itself was broken. On 24 June the army of Charles was routed at Naseby. Frederick Henry became only the more eager to offer help, but it could now be nothing but the old policy of obstruction and unauthorized actions pursued as far as he dared.<sup>2</sup> It was a curious position. Not only did the stadtholder consider himself justified in making use of the ambassadors, supposed to be mediating in England in the name of the states, for intrigues with the royalists, and in making plans, without any reference to the states, with the ambassadors of Charles I and with France: he even thought he might withdraw a few ships from the blockade of the Flemish coast, and place them at the disposal of the queen of England.<sup>3</sup> But his real concern at the end of 1645 and the beginning of 1646 was the equipment in Holland or Zeeland of a considerable fleet for the transport of troops, French troops or such as the duke of Lorraine<sup>4</sup> was prepared to provide. At first it was hoped that the peace in the Baltic (September 1645), which brought a stream of ships back to Dutch harbours, would provide a good opportunity. Particularly in Zeeland, where the prince's servant, De Knuyt (his representative as first noble), was lending his help, the English agents hoped to get a good fleet together.<sup>5</sup> Why nothing came of all this does not appear very clearly. But in the early months of 1646 some ten ships certainly were equipped in Amsterdam at French expense, which were doubtless intended for the English adventure. The states of Holland, acting upon complaints from England, induced the states-general, who had been long inactive, to put an end to this undertaking. Frederick Henry could not carry through his policy. In April 1646 the negotiations for a marriage between the prince of Wales and his daughter were definitely broken off.<sup>6</sup> In May Charles I had to surrender. About this time the piquant details of the prince's negotiations with the Stuarts, which had come into the possession of the parliament with the papers

<sup>1</sup> *Digby's Cabinet*, Goffe to Jermyn, 29 May/8 June.

<sup>2</sup> In February 1645 Huygens had frankly put the case to Lord Jermyn: there were two tendencies to be distinguished there, the one dependent on the will of his highness, the other on the state; as for the first, there would never be cause for complaint; as for the second, his highness could only do his best (*Archives*, II. iv. 128).

<sup>3</sup> Arend, III. v. 560; *Archives*, II. iv. 128; *Digby's Cabinet*, *passim*, particularly pp. 37 ff. These ships were used for the export of tin from the west of England, the only source of income for the queen; also to keep up communication between the royalists on the Continent and the king. Captain Colster or Coulster, who is mentioned in nearly all these reports, took Prince Rupert and his company over to England on the instructions of the prince of Orange. See p. 368, n. 3, above.

<sup>4</sup> Charles IV of Lorraine, who, after having been driven out of his country by France, as a leader of irregular bands, generally fought with the Spaniards.

<sup>5</sup> *Archives*, II. iv. 142, 144; Worp, iv. 226. Negotiations had been entered into with Dorp, Huygens' brother-in-law, to act as admiral.

<sup>6</sup> *Archives*, II. iv. 152.

of Lord Digby, must have become known in the Netherlands.<sup>1</sup>

They could now only with difficulty be persuaded to provide a meagre sum for the new campaign in the southern Netherlands. Although feelings of hostility to the stadtholder were by no means confined to Holland,<sup>2</sup> it was, of course, particularly the states of Holland who had set him at defiance. As early as 1643, when the misgivings about the English connexion had but lately infused fresh vigour into the opposition, the states of Holland had with a unanimous vote from all the eighteen towns (the nobles' member alone, under the influence of the stadtholder, voted against it<sup>3</sup>) passed a resolution that dealt a shrewd blow to the power which the stadtholder had succeeded in gaining over the foreign policy of the state. This was that an oath should be exacted from the deputies of Holland in the states-general upon a new instruction, prescribing that they should always insist on the recognition of the sovereignty of their province, that on a number of important questions they should not speak without an express mandate, and that they should present a report to their province on all important matters which took place in the states-general.<sup>4</sup> It is clear that the aim of this was to destroy the new institution of *secrete besognes*, and that indeed was its effect.<sup>5</sup> It is useless in this connexion to reproach the Holland states-party with sacrificing the unitary principle to their provincial particularism. The misfortune was that too often they had to meet in the states-general not the representatives of the generality, but tools in the hands of the stadtholder. It is remarkable, and it is a proof of the widespread uneasiness over Frederick Henry's policy, that in practically all the provinces there seem to have been attempts to follow the example of the instruction for Holland's delegates, but Gelderland alone was able to establish something of the kind: everywhere else the Orange party succeeded in preventing it.<sup>6</sup> In 1645 Gelderland was the only province that voted with Holland to the end, for the admission of Strickland to the assembly of their high mightinesses.<sup>7</sup> In 1646 matters had gone so far that three members of the states of Holland dared to tell the stadtholder

<sup>1</sup> See p. 376, n. 3, above.

<sup>2</sup> Aitzema, for instance, relates that in October 1643 a man who went to Overijssel armed with letters of recommendation from the prince in order to apply for the office of 'drost' (sheriff) of Salland discovered 'that the towns of Overijssel, both on account of the English marriage and because they did not like His Highness favouring the king of England more than the parliament, would not much regard that same recommendation; in fact that it would rather harm than better his chances; consequently he kept the letters back'. And yet some one else was appointed (v. 563).

<sup>3</sup> Reigersberch, p. 734.

<sup>4</sup> Aitzema, v. 555.

<sup>5</sup> Waddington, ii. 35; Aitzema, v. 563; and Van der Capellen, ii. 173.

<sup>6</sup> Aitzema, v. 619.

<sup>7</sup> See p. 377, n. 4, above.

to his face that in his alliance with France his sole object was to oppress them, and when the prince refused to take them seriously, their principals came and repeated it.<sup>1</sup> The French ambassadors, who were trying to keep the republic from embarking on serious negotiations at Münster, and who in 1646 were continually travelling backwards and forwards between Münster and The Hague, noticed with the greatest annoyance that the actual power was now in the hands of the states.<sup>2</sup> Already in April<sup>3</sup> they feared that Frederick Henry, anxious for the future of his house, would prefer to give way and allow the states to break their alliance with France, in order to conclude peace with Spain. And so in fact it turned out. Amalia van Solms saw greater advantage<sup>4</sup> in accepting the proposals of Spain, which would bring to the family, according to the French ambassadors, '3 ou 400,000 livres de rente'. Considering how little chance there was of a return of the sums advanced to the Stuarts, the temptation must have been very great. The increasing helplessness of the old prince certainly explains in some degree her choice as well as his. Young William did not think the game lost yet; he resisted the change of policy as much as he could, and was furious with De Knuyt (one of the most corrupt servants of the prince, and more particularly of his wife), who had arranged the bargain with Spain. But the main point was that Frederick Henry's dynastic policy in conjunction with Stuart and France had called into being forces which he could not control. At the end of his life the whole edifice of his great scheme was crumbling, while the states of Holland stood triumphant.<sup>5</sup> P. GEYL.

<sup>1</sup> *Archives*, II. iv. 151.    <sup>2</sup> *Ibid.* p. 166.    <sup>3</sup> *Ibid.* p. 152.    <sup>4</sup> *Ibid.* p. 162.

<sup>5</sup> For a continuation of this subject see 'William II and the Stuarts' in *Scottish Hist. Rev.* xx. 190.

*The so-called 'Treaty' of Hanau of 1743*

THE war of the Austrian Succession is less familiar to all students of eighteenth-century history, and certainly to English readers, than either the Spanish Succession or the Seven Years' war. It has a considerable literature of its own, but it is for the most part in French or German. Since Carlyle no English writer has treated the land war on any considerable scale, and the inquiring student is forced to turn to Arneth or Droysen or the duc de Broglie for a reasonably full account of a rather puzzling war. The dominating figure of Frederick the Great and the prominence of Prussia in the eyes of German historians have given special prominence to the two Silesian wars, but the period between them and that which followed the treaty of Dresden have been comparatively neglected, even by continental writers. It is not surprising that the war as a whole is still somewhat obscure. It lacks unity and cohesion ; it produced few very obvious results ; it has no heroic figures except Frederick and Maria Theresa ; its generals, except Frederick and perhaps Traun and Marshal Saxe, were second-rate ; and the contemporary politicians were mostly as obscure as they were untrustworthy. Austria had no great statesmen between Eugene and Kaunitz, and Ulefeld, who succeeded Zinzendorf as chief minister in 1743, was dominated by Bartenstein, the secretary of the conference, whose political aptitude was confined to the drafting of acrimonious and controversial notes. France notoriously lacked great ministers in the reign of Louis XV,<sup>1</sup> while in England the Pelhams have almost passed into a by-word for mediocrity. Walpole entered the war with reluctance, and fell an inglorious victim to its initial failures. Hardwicke may have been a great lawyer, but he had no adequate grasp of the affairs of Europe. Chesterfield was a man of letters, a wit, and an orator, rather than a statesman, and Carteret, like the marquis d'Argenson in France, is a great name and a great enigma, remarkable rather for what he might have done than for what he actually did. He was so obviously cleverer than his successful rivals, and was so clearly their superior in diplomatic ability and insight, that

<sup>1</sup> *Mémoires de Frédéric II* (ed. Boutaric), i. 149 : 'Ce siècle était stérile en grands hommes pour la France, celui de Louis XIV en en produisait en foule.'

he has left a posthumous reputation which cannot be disproved because it was never adequately tested.

Among the numerous puzzles which the war presents one of the most obvious is its long duration. It opened with the prospect of speedy and revolutionary changes in the map of Europe. At the close of 1741, after the fall of Prague and Frederick's repudiation of the preposterous convention of Klein-Schnellendorf, it seemed that the Austrian dominions must inevitably be partitioned. The shares were all plotted out, and the recipients were ready and eager to seize their respective allotments. It was at this crisis that Walpole fell in February 1742, and the ministry was reconstituted to admit Carteret as secretary of state for the northern department. The avowed object of the change was to weaken the opposition in parliament and to throw more energy into the war. Maria Theresa, already encouraged by the unexpected loyalty of the Magyars and by the success of Khevenhüller in recovering Upper Austria, was immensely gratified by the assurance of more men and more money from Britain. George II, who had infuriated his insular subjects by concluding a treaty of neutrality for Hanover and by pledging the Hanoverian vote to Charles Albert, was gained over by taking 16,000 Hanoverian troops into British pay, and Carteret rendered what Newcastle declared to be his greatest service to the Austrian cause by persuading the king-electoral not to renew the neutrality which France was only too willing to grant.<sup>1</sup> From the spring of 1742 troops were gradually shipped from England to the Austrian Netherlands, where they might be employed either in the defence of those provinces, or in the expulsion of the French forces from Germany, or—as their ambitious commander, Lord Stair, desired—in a direct invasion of France. But before the 'pragmatic army' had begun or was even prepared to act, the prospect of its future activity produced a political change of the greatest magnitude. Hitherto British efforts to reconcile Austria with Prussia had led to nothing but Hyndford's abortive agreement at Klein-Schnellendorf. Carteret's more lavish assurances enabled him to exert greater pressure at Vienna, and the battle of Chotusitz completed the conversion of Maria Theresa. The treaty of Breslau, adjusted by Hyndford in his temporary capacity as plenipotentiary for Austria, was a conspicuous triumph for British diplomacy and for the new ministry. Hyndford received from his own government the Order of the Thistle,

<sup>1</sup> In a long analysis of the history of the war which Newcastle drew up for Hardwicke on 24 October (o.s.) 1743, he admits that Carteret dissuaded the king from making a second and lasting neutrality treaty for Hanover, 'the best thing he ever did' (Brit. Mus. Add. MS. 32701, vol. xvi of Newcastle Papers). The narrative, one of many which Newcastle drew up from time to time, is summarized in Yorke, *Life and Correspondence of Lord Hardwicke*, i. 318-21.

while both Maria Theresa and Frederick granted to him and his heirs the right to bear the arms of Silesia. Carteret, however, treated him rather ungratefully by taking the further negotiations with Prussia out of the hands of the Berlin embassy and conducting them directly with Andrié, the Prussian resident in London. Carteret was so assured in his own mind that Prussian neutrality would lead Frederick into an anti-French alliance, that he gave an immediate British guarantee to the treaty of Breslau, without waiting for a complete agreement with Prussia, with the result that the defensive treaty of Westminster, from which so much was expected, was not concluded until 18 November, and proved in the end to be a worthless scrap of paper.

The treaty of Breslau—contemporaries persisted in giving it that name, although the final treaty, differing in some respects from the preliminaries, was signed at Berlin—is a notable turning-point in the history of the war. It had the effect of detaching Saxony as well as Prussia from the coalition against Maria Theresa, and their desertion left the French and Bavarian forces in a hopeless position. The main French army under Broglie and Belleisle was forced to retreat to Prague, where its ultimate surrender was inevitable unless it could be relieved. Maillebois was ordered to attempt the relief with the western forces which had hitherto been threatening Hanover and the Netherlands, but he found it impossible to reach the Bohemian capital, and ultimately retreated to Bavaria. Broglie escaped from Prague, before the cordon was complete, to supersede Maillebois in the command of unsuccessful and discouraged troops. Belleisle, after some weeks of energetic resistance, broke through the besiegers with the sound members of the garrison, and conducted a heroic but costly retreat to the frontier. Chevert, left to defend the city with the sick and maimed, was allowed to surrender on honourable terms, and Maria Theresa was able to assume the crown of the kingdom, which at one moment had seemed to be completely lost. Fleury had died in January 1743, conscious that the laurels he had gained in the annexation of Lorraine were sadly withered by the frost of failure in his recent policy. Maria Theresa had good reason to be jubilant. Her outlying territories in the Netherlands, in the Black Forest, and in Italy might still be exposed to some danger, but the great main block of the Habsburg dominions, though sadly shorn by the loss of Silesia, seemed to be now solidly secure. It was not likely that the maritime powers would allow her to lose either the Netherlands or her Italian provinces, and even if she did lose them for a time, she could contemplate this with equanimity as long as she held a more valuable pledge. The hereditary territories of her audacious rival, Charles Albert of Bavaria, now calling himself

the Emperor Charles VII, had already been overrun by Austrian troops. If they had been for a moment partially evacuated, it had only been because forces had to be transferred to Bohemia. Now that the recovery of Bohemia enabled the Austrian armies to concentrate in Bavaria, it was unlikely that the Bavarian troops under Seckendorf and the French under Broglie would be able to defend the electorate unless France was willing to make quixotic efforts to save her ally. And, even then, the pragmatic army should be adequate to cut the French off from Bavaria. It was clear to all observers that the attempt to break up the Austrian dominions had ended, except in the case of Prussia, in absolute failure. So far as the war was waged about the Austrian succession it should have ended in 1743.

There were three substantial reasons for the continuance of the war in and after 1743. (1) To Maria Theresa the cession of Silesia was a bitter pill. Quite apart from her hatred of Frederick and her disgust at having to reward his villany, she regarded the maintenance of the Pragmatic Sanction as a pious duty to her father's memory. As she could not maintain it in the letter, she determined from the first to enforce it in the spirit. If Silesia had been lost, an equivalent must be found elsewhere.<sup>1</sup> In this search for compensation she was undoubtedly encouraged by Carteret and by George II, though they could assert that they had given no binding pledge to find it for her. Carteret, unlike Walpole, was an orthodox whig in his foreign policy. It was his primary aim to weaken and abase the house of Bourbon, and to support Austria as a counterbalancing power. Austria had already been sacrificed to Walpole's obstinate neutrality in the war of the Polish Succession: it would be contrary to Carteret's estimate of British interests to allow her to suffer another uncompensated loss. George II was equally interested. To the traditional Hanoverian jealousy of an aggressive neighbour, he added a personal hostility to an ungrateful and contemptuous nephew. If peace was made on the basis of Maria Theresa's retention of all her father's dominions except Silesia, Frederick would emerge as the sole gainer by the war, and this was intolerable both to

<sup>1</sup> Arneth (*Maria Theresa*, ii. 488) quotes an interesting letter from the queen to Khevenhüller of 17 June 1742, which shows that from the outset she had decided to seek for an equivalent: 'Da Engelland mit ungemein grosser Heftigkeit auff den Vergleich mit Preussen gedrungen under ausser deme zu keiner Hülffleistung sich einverstehen wollen, so hat derselbe anderst nicht als sehr kostbar ausfallen können. Ist also zu sehen, dass dieser Verlust anderwärts wieder eingebracht werde.' The question whether any promise of compensation was made by the British government was hotly disputed at the time, and has not yet been solved by any historian. It is clear that Carteret was suspected by his colleagues of having given some pledge behind their backs. Hyndford's correspondence shows that he, the actual negotiator of the treaty, knew nothing of any such pledge. The relevant evidence on the subject is given in an appendix to this article.

George and to the brothers Münchhausen, his chief electoral advisers. The king and Carteret were further agreed that the desired compensation should be found at the expense of France. This would have the double advantage of crippling England's enemy and of avoiding any dangerous irritation of Prussia. It must be remembered that Frederick had no objection to an equivalent for Maria Theresa,<sup>1</sup> provided it was not more than an equivalent. Although he was still bound by a defensive treaty with France, he was not likely to quit a profitable neutrality merely to save the eastern provinces of France. His primary aim was the security of Silesia, and Silesia would be more secure if Maria Theresa was satisfied elsewhere, than if she was left with an uncontrollable longing to recover the lost province. It was therefore reasonably safe for Carteret to scheme for a German league to recover the *avulsa membra imperii*.<sup>2</sup> If he could once more seat the old line of dukes in Lorraine, and if he could restore Naples and Sicily to Austria, he would undo the evil consequences of the Polish Succession war. If he could further wrest Alsace from France, he would deprive the Bourbons of one of the great bequests of Richelieu. But there was one point on which Frederick might be expected to be adamant. He would not tolerate the aggrandizement of Austria in Germany, and, above all, he would not allow the compensation for Silesia to be gained at the expense of the Emperor Charles VII by the spoliation of his electorate. Unfortunately for Carteret, Bavaria was to Maria Theresa at once the most obvious and the most attractive equivalent for Silesia. She was not averse to deprive France of Alsace, or to drive Don Carlos from Naples, but one or the other was to serve as compensation to the emperor for the loss of Bavaria. This was destined to prove a fatal stumbling-block at Hanau.

(2) It must never be forgotten that the death of Charles VI not only opened the question of the Austrian succession, but also created a vacancy in the empire. The two problems were in their essence distinct, but they became almost inextricably mixed together because the principal claimant to the succession was also the successful candidate for the imperial crown. The ardent Belleisle and the more hesitating Fleury failed in their attempt to partition the Austrian dominions, but they gained a counter-balancing triumph by depriving the Austrian house of an office which it had held continuously since 1438 and had come to regard

<sup>1</sup> Hyndford reported to Carteret on 16 July 1743 that Frederick professed the best intentions towards Maria Theresa, 'even so far as not to be against her Hungarian Majesty getting somewhere or other an equivalent for Silesia' (Hyndford Papers, ix, fo. 153).

<sup>2</sup> This was Pitt's phrase when he denounced Carteret's aggressive policy after the latter's dismissal.

as virtually a hereditary possession. To Maria Theresa the action of the eight electors in passing over her husband was almost as great a blow as the loss of Silesia. She resolutely refused to recognize the validity of the election on the ground that the Bohemian vote had been illegally excluded, or to submit to decrees of the diet which had been transferred from Ratisbon to Frankfort. All demands for the surrender of the imperial archives, so long kept at Vienna, were contemptuously rejected. She had already humiliated Charles VII by making him a landless and impoverished exile, dependent for his maintenance on the bounty of France, and she would continue to do so, if possible, until he submitted to her terms. The best thing he could do was to resign a dignity which he could not support; and the very least was to consent to the election of Francis Stephen as king of the Romans. The quarrel was complicated by the fact that the empire was technically a neutral power. Charles Albert of Bavaria was the belligerent enemy of Austria. At Munich he might be attacked and even captured. But, if he resided as emperor in an imperial city, such as Augsburg or Frankfort, he was immune from hostility. The problem of the empire was not only an obstacle to peace, it was also a source of difficulty both with England and with Prussia. George II and Carteret might desire to get rid of an emperor who was necessarily a puppet of France, but they could not evade the awkward fact that the elector of Hanover had helped to place him on his uneasy throne. And Frederick, resenting the implied contention that the Austrian house had a vested right to the imperial office, could not allow the complete humiliation of a prince who owed his dignity in very large measure to Prussian support.

(3) While the war was continued to procure compensation for Maria Theresa and to find some solution for the problems of Germany, there were difficulties in the way of peace in Italy. There the protagonist against Austria was Spain, the power with which England was actually at war, whereas France in 1743 was only a professed auxiliary of Bavaria. Elizabeth Farnese had provided for her eldest son by placing him on the throne of Naples and Sicily. She now undertook to find a principality for Don Philip, who was also son-in-law to Louis XV, by depriving Maria Theresa of Lombardy. To any further aggrandizement of the Spanish Bourbons England was necessarily opposed. But our naval weakness in the Mediterranean allowed a Spanish force to be conveyed by sea to Orbitello, while another army under Don Philip traversed the south of France to occupy Savoy and thence to enter Italy by the Alpine passes. If these troops could join together they would, with French auxiliaries and reinforcements from Naples, be superior to any armies which

Austria could spare from her more pressing needs in Bohemia and Germany. The immediate danger was met in 1742 by the generalship of Traun, by the diplomacy of Carteret, which secured the invaluable assistance of Sardinia, and by the dictatorial conduct of Commodore Martin, who coerced Don Carlos into the withdrawal of the Neapolitan troops by a threat to bombard Naples. But if the successful resistance to the Bourbon powers was to continue, and still more if their hold upon Italy was to be destroyed, Sardinia, which held the key of the position, must be substantially paid for her services. So far Charles Emmanuel had received nothing but undefined assurances, and the translation of these into a definite agreement was another of the unsolved problems connected with the war. And this was a problem which England, as an interested and actual belligerent, could not possibly neglect.

Although the obstinacy of Elizabeth Farnese made a speedy settlement in Italy improbable, it did not seem equally obvious that hostilities should continue in Germany. What was necessary to restore peace there was to detach Charles VII from France, to bring about some reconciliation between him and Maria Theresa, and to procure the withdrawal of all foreign troops from the empire. During the winter of 1742-3 many of the diplomatists of Europe, amateur and professional, busied themselves with efforts to find a solution. Frederick II, always eager to place Prussia in the forefront, proposed that he and George II, both of whom had voted for Charles VII, should act as joint mediators. In spite of his fury at the intrusion of the pragmatic army from the Netherlands into Germany, which seemed to him to threaten a prolongation of the war, he succeeded in adjusting with Hyndford the outlines of a joint plan. All French intervention was to be excluded, Bavaria was to be raised to a kingdom with an *arrondissement* calculated to produce an increased revenue of six million florins, no further cessions were to be demanded from Maria Theresa, and the desired enlargement of Bavarian territories was to be obtained by the secularization of bishoprics (as at Westphalia) and by the mediatization of some of the imperial cities. All Bavarian claims to the Austrian succession were to be withdrawn, the emperor was to be recognized by Maria Theresa, and some agreement come to as to the Bohemian vote. Nothing was said about the election of a king of the Romans, and Frederick did not conceal his hostility to such a measure.<sup>1</sup> Neither Carteret nor Münchhausen offered any

<sup>1</sup> Hyndford reported to Carteret on 5 January 1743 that Frederick had said to him, 'Make war on the French in their own country as much as you please, but we can't have foreign troops oppressing the chief of the Empire in his own country'. And the king went on: 'Écoutez, my Lord, vous pouvez à présent faire la paix pour

objection in principle to the joint mediation, or to the restoration of Bavaria, or to its aggrandizement,<sup>1</sup> or to secularization. They criticized certain details, such as the actual selection of particular bishoprics, and they objected *in toto* to the proposed mediatization on the ground that so many of the imperial cities were strongholds of protestantism. Charles VII nearly wrecked the scheme at the outset by authorizing Haslang, his agent in London, to bring forward proposals of his own on somewhat parallel lines, but with the momentous difference that the Bavarian claims were to be bought off by cessions on the part of Maria Theresa in Bohemia and elsewhere. But Frederick and Podewils undertook to bring the emperor to a more reasonable frame of mind.<sup>2</sup>

In spite of the appearance of substantial agreement between England and Prussia, the scheme of reconciliation would have been wrecked by the obstinate refusal of Maria Theresa to allow Bavaria to be restored, at any rate until some other equivalent had been obtained. And secularization would have proved another serious obstacle. It was easy for protestant powers, like Prussia and Hanover, to propose the absorption of ecclesiastical principalities, and Hanover was believed to have designs of her own on the sees of Osnabrück and Hildesheim. But it was difficult for Charles VII to accept such proposals, to risk the alienation of the Roman catholic princes, and to place so obvious a weapon of attack in the hands of Austria. A premature disclosure of the scheme forced the emperor to disavow it, and in the meantime it was rendered wholly obsolete by the campaign of 1743. France was becoming more and more weary of distant fighting in Germany, and Broglie, never a very energetic commander, thought more of securing a line of retreat for his army than of defending Bavaria. The absence of all co-operation between Broglie and Seckendorf made the task

*l'Empereur, mais point de Roi des Romains* (Hyndford Papers, viii). Later, on 1 February, Hyndford boasted that, with discreditable duplicity, he had told Valori that Frederick had advised an attack on France. The gist of Frederick's remark had been, 'if you must attack France, do it in France, not in Germany'.

<sup>1</sup> Hyndford wrote to Carteret on 18 January 1743 that he had ventured to say that neither Maria Theresa nor her allies had any intention of keeping Bavaria. Frederick broke in, 'Will you guarantee that?' 'Yes, Sir, if there is no other difficulty in the way of peace, my master will guarantee that.' Later Hyndford put into French for the Prussian government a dispatch of Carteret of 1/12 March, and inserted these words: 'Que par rapport à la Bavière, le Roy mon maître n'a rien à redire contre sa restitution, ni même contre son érection en royaume' (*ibid.* fo. 314).

<sup>2</sup> Haslang's project is in the Hyndford Papers, vii, fo. 64, and was sent to him by Carteret on 4/15 January 1743. Podewils' assurances that Prussia would force reasonable terms on Charles VII were reported by Hyndford on 1 February (*ibid.* fo. 134). See also an account of the discrepancy between the Prussian and the imperial proposals in a frank letter from Carteret to William of Hesse in Brit. Mus. Add. MS. 22527, fo. 93.

of Charles of Lorraine an easy one. No pitched battle was either possible or necessary, one garrison after another surrendered, and finally Seckendorf, deserted by the French, agreed with Khevenhüller to the convention of Niederschönfeld, by which the Bavarian troops, converted into neutral imperial forces, were to be withdrawn from the electorate. Charles VII had already departed, first to Augsburg, where he found Austrian cavalry officers carousing in the next-door house,<sup>1</sup> and thence to more secure seclusion at Frankfort. Bavaria was as completely in the hands of Maria Theresa as the recovered kingdom of Bohemia, to which she had gone in May to receive the homage of the estates. There might have been a chance of her recovery if the second French army under Noailles had succeeded in crushing the pragmatic army at Dettingen (27 June). But George II's lucky escape from the trap in which his composite forces had been involved, and his success in reaching his base of supplies at Hanau, rendered it impossible for Noailles to risk any eastward advance, and in the end he retreated to the Rhine. Bavaria was left to its fate.

In these humiliating circumstances Charles VII could no longer hope to negotiate upon equal terms. He did not entirely trust Frederick, and he did not wish to be too dependent upon Prussian patronage. He therefore determined to throw himself on the mercy of George II, and to obtain through him the best terms that might yet be extorted from Maria Theresa. His emissary, whom he had selected on 18 May, seemed to be singularly well fitted for the task. William of Hesse was administrator at Cassel for his elder brother, Frederick, who had been king of Sweden since 1720, as the husband of Ulrica Eleanor, the sister of Charles XII. Prince William was a sturdy protestant, and was always exasperated by a suggestion that France should paralyse England by supporting the Pretender and encouraging a Jacobite rising. But he had been from the first a consistent supporter of Charles VII, and was suspected of a desire to obtain from a grateful emperor the elevation of Hesse into a tenth electorate.<sup>2</sup> At the same time he was closely connected with England and Hanover, his son and heir having married the Princess Mary, one of the daughters of George II. He had displayed a mercenary

<sup>1</sup> The story about the emperor's annoyance by Austrian cavalry in Augsburg is told in a letter by William of Hesse to Carteret of 18 June 1743 (Carteret Papers, Brit. Mus. Add. MS. 22527). It is a curious illustration of the neutrality of an imperial city in the immediate vicinity of the actual war.

<sup>2</sup> Brit. Mus. Add. MS. 32804 (Newcastle Papers, vol. cxix), fo. 45, translation of a letter from the Nuncio at Frankfort to the cardinal secretary of state at Rome: 'The Princes of Hesse are well inclined to the Emperor, perhaps in hopes at some time to attain the electoral dignity so much desired by them. For which reason they will never openly take any engagement contrary to the service of his Imperial Majesty' (10 March 1744).

impartiality in the war, as 6,000 Hessians, under his brother George, were serving in British pay with the pragmatic army, while another contingent was in the service of the emperor. From an early date in 1742 he had been in intermittent correspondence with George II and Carteret as to the best means of detaching Charles VII from his dependent alliance with France.<sup>1</sup> Hanau, where George II was now encamped, and where the momentous negotiation was to take place, was a possession of his own, and he had some acute controversies with the British government as to the use they had made of his town. Finally, he was on intimate terms with the king of Prussia, who seems to have had a real liking for him in spite, or perhaps because, of a slight estimate of his ability.

Of the proceedings at Hanau we have a full and accurate account, not only in the Carteret and Newcastle Papers in the British Museum, but also in a narrative drawn up by William of Hesse and published by him in somewhat sensational circumstances in the following year.<sup>2</sup> There is no discrepancy as to the facts or the documents, though these supply no conclusive evidence as to motives on either side. But there is no reason to question the transparent sincerity of Prince William, who was evidently eager to succeed in his mission, who at one moment confidently reckoned on success, and who was equally disappointed and chagrined when his hopes were cruelly dashed to the ground. Nor is there much doubt as to the motives of the members of the English regency, who were ostensibly responsible for wrecking the negotiation. Newcastle was no Machiavelli, and though one might discount his letters to Carteret, there is no reason to suspect insincerity in his private letters to Hardwicke and Lord Orford. The supreme difficulty is to read the inner mind of Carteret and of George II, who seem to have acted in complete accord in the matter, and who have made no confidential disclosures. It must be remembered that George II had left England at the beginning of May, that he had gone to Hanover before joining the army, that during his absence the administration was in the hands of a council of regency, of which the principal members were Wilmington, the two Pelham brothers, and Lord Hardwicke, and that these men had granted full powers to Carteret, the sole minister who accompanied the king. In such circumstances it was inevitable that ministers at home should regard with some jealousy and mistrust the colleague who possessed

<sup>1</sup> Brit. Mus. Add. MS. 22527 (Carteret Papers) contains Carteret's correspondence with William of Hesse in 1742, 1743, and 1744. The volume is of considerable interest.

<sup>2</sup> Copies of William of Hesse's narrative are preserved in several collections of papers in the British Museum, notably in Brit. Mus. Add. MS. 22527, which contains most of Carteret's papers relating to Hanau. But it can most easily be consulted in *Preussische Staatsschriften*, i. (Berlin, 1877) 633-8.

such unlimited authority coupled with the influence which personal intercourse with their royal master might confer. Even the harmless Harrington had been suspected of disloyal use of his privileged position when he went with the king to Hanover in 1741. Such suspicion was multiplied a hundredfold in the case of the brilliant and self-confident Carteret, who had never become assimilated with the former colleagues of Walpole, who did not conceal the scantiness of his respect for their opinions, who was notoriously more favoured by the king, and who did not even take the trouble to keep them well informed of his proceedings by any regular correspondence. Newcastle's letters are full of denunciations of the taciturnity of 'my Brother-Secretary'.

The credentials of William of Hesse consisted of a letter from the emperor to George II, dated 18 May 1743, in which he placed himself in the king's hands, provided the terms adjusted with Austria were consistent with his honour and with the maintenance of the imperial dignity to which George II had helped to raise him. This letter was presented at Hanover on 4 June. On his way to Hanover Prince William had been an honoured guest at Berlin from 26 May to 2 June.<sup>1</sup> Although we have no information as to what passed between him and the Prussian king, it is impossible to suppose that he concealed from his host the object of his mission. But it is noteworthy that Charles VII's letter made no mention of Prussia or of joint mediation, and this subsequently roused Frederick to suspect that he was being deliberately excluded. Nothing of importance transpired at the Hanover interview. Carteret told the prince that (1) there could be no cessions from Maria Theresa; (2) the Bavarian claims must be given up; (3) the emperor must detach himself from France; (4) no injury must be inflicted on any secular state, whether protestant or catholic. With this cold comfort William proceeded to rejoin the emperor at Frankfort in order to discuss how these instructions could be fulfilled. To a suggested cessation of arms pending a settlement Carteret had given a decided negative. After sending a full report of what had passed to Newcastle, and also to Robinson at Vienna, Carteret proceeded with his royal master to the army, and after the battle of Dettingen William of Hesse came to Hanau to renew the negotiation. In the interval Newcastle had replied to Carteret that the desire in England was for a general peace, and not for a mere treaty to extricate the emperor from his difficulties.<sup>2</sup>

<sup>1</sup> Hyndford Papers, ix, fo. 53, Hyndford to Carteret, 30 May 1743: 'Prince William of Hesse arrived here on the 26th in the evening; he is lodged in the Palace and has great honours showed him; 'tis said he sets out for Hanover on Saturday or Sunday next.' Hyndford adds that he cannot discover the intention of his journey, and it is characteristic of Carteret that he never enlightened his envoy at Berlin.

<sup>2</sup> Newcastle to Carteret, 4/15 July 1743, in Brit. Mus. Add. MS. 22536, fo. 57.

William of Hesse brought to Hanau on 5 July the preliminary terms upon which Charles VII was willing to come to a settlement with Austria. They were embodied in five articles. (1) The French auxiliaries were to be dismissed and to quit the empire, provided that at the same time Bavaria and the Upper Palatinate were evacuated and restored by the Austrians, and that the composite pragmatic army also departed from the empire. (2) As the emperor's hereditary states have been ruined by the war, he must receive, pending a complete settlement, an adequate revenue to enable him to maintain both a military force and the imperial dignity. (3) The final settlement of a firm and solid peace is to be entrusted to the empire and to the other mediating powers. (4) and (5) There is to be a complete amnesty and a release of all prisoners. To these proposals Carteret returned a formal reply on 7 July to the effect that the king must act in complete accord with Maria Theresa, that the latter may not be unwilling to help the emperor provided the French troops are immediately dismissed, and that no assurance can be given that Bavaria and the Upper Palatinate will be *préalablement* restored. The king will do his best both for the restoration of territories and in other matters, provided the empire is rid of the French troops. On 8 July Carteret forwarded copies of the two documents—the emperor's proposals and his own reply—both to London and to Vienna.<sup>1</sup> But in his letter to Robinson he abstained from any instructions to press for concessions to the emperor.

Prince William carried Carteret's unsatisfactory reply to Frankfort, and returned with the emperor's protest against the unfairness of asking him to dismiss his auxiliaries before he had obtained any assurance as to the recovery of his dominions. He reiterated his former proposals, and the only suggested concession was that he would accept an English assurance that Bavaria would be restored as soon as the French had gone. Matters had apparently come to a deadlock, and it would have caused no surprise if the negotiations had been broken off at this point. The French had already virtually quitted Germany, so that their dismissal was no longer an asset for bargaining. And the resolute omission of all resignation of the Bavarian claims on the Austrian succession was a fatal bar to any final agreement. But, for some unexplained reason, Carteret at this stage set to work to adjust more comprehensive terms. The order of the various clauses was altered at his dictation, and

<sup>1</sup> Copies of the proposals and of Carteret's reply were also given to the Austrian generals at Hanau and distributed broadcast among the allied courts. This publicity contrasts strongly with the comparative secrecy as to the subsequent negotiations. Robinson reported on 24 July that the ministers at Vienna were less pleased than the generals. 'This ill humour arose from the word Restitution' (State Papers, For., Germany, 160).

by the evening of 14 July a draft scheme, under the heading 'Projet et Idées', had been drawn up of the terms to be suggested to Maria Theresa. With it was associated a 'Projet d'Assurance Secrète entre Sa Majesté Impériale et le Roy de Grande-Bretagne'. These two documents constitute the so-called treaty of Hanau. William of Hesse was so confident that Carteret's participation in drafting the articles had committed him to the scheme that he wrote a jubilant letter to Charles VII, and the emperor, an optimist even in the darkest days, began to reckon on a speedy return to his beloved Munich.<sup>1</sup>

The more important of the two documents consisted of eight articles, of which the last two dealt with the proposed amnesty and release of prisoners. The other six articles were finally placed in the following order. (1) The emperor will dismiss the French troops, and will procure their departure from the empire. (2) The emperor will set himself, in concord with his Britannic Majesty, to procure joint action of the empire with the maritime powers to make France consent to a stable and general peace. (3) To compensate the emperor for the loss of French supplies and for the ruin of his dominions, he is to receive an adequate monthly subsidy for his maintenance, to begin in the month following the signature of the agreement, and to continue until means have been found, in concert with the empire, to supply him with a revenue sufficient to maintain the imperial dignity and also that of Bavaria, which is to be made a kingdom. (4) As the queen of Hungary cannot be asked to restore Bavaria and the Upper Palatinate until she has been satisfied as to the Bavarian claims to her own dominions, the emperor is to renounce those claims for himself and his descendants. (5) As soon as this act of renunciation has been executed, the lost provinces are to be restored. (6) Maria Theresa is to recognize Charles VII as emperor, he is to recognize her as queen of Hungary and Bohemia, and the emperor is to take steps to procure the restoration of the Bohemian vote in the diet.

As a necessary interval must elapse before these proposed terms could be sent to Vienna and Austrian approval obtained, and as the pecuniary needs of the emperor were pressing, it was necessary to provide for his maintenance in the meantime. This was the primary purpose of the supplementary 'Projet d'Assurance', by which the British king was pledged (1) to endeavour to procure Austrian assent to the above terms; (2) to obtain, if possible, further advantages for the emperor, but not at the expense of Maria Theresa; and (3) to pay three sums of 100,000

<sup>1</sup> Brit. Mus. Add. MS. 22527, Von Donop (Hessian agent at Frankfurt) to Assebourg: 'L'Empereur m'a témoigné une joye indescribable en apprenant que l'affaire prenoit un si heureux train' (16 July 1743).

crowns to the emperor, the first on the signature of the present document, and the other two at successive intervals of twenty days.

William of Hesse, by his own account, seems to have expected both documents to be signed on 15 July. But it is clear that the first document was not in a form which was ripe for signature, and could at best be regarded as raw material out of which a treaty could be constructed. But the '*Projet d'Assurance*', which would have committed the British government to the championship of the adjusted terms, could have been signed, and Carteret had sufficient powers to enable him to sign it. But at the last moment, without any previous warning, he declared that he must send the documents to London in order to ascertain whether parliament would support the scheme, that it would be unfair to the emperor to give promises which it might be impossible to fulfil, that the delay would not exceed a fortnight, that he had no doubt that so beneficial a scheme would receive the approval of the other ministers, that, as a sign of goodwill, the king would immediately pay the first 100,000 crowns, and that, as soon as English assent had been obtained, the king hoped to gratify the emperor beyond his fondest hopes. Prince William was profoundly disappointed and annoyed by the unexpected delay, but it was impossible for a suppliant to cavil at Carteret's decision, and it was necessary to wait with pretended patience for the decision from London. The proffered dole of 100,000 crowns seemed rather humiliating to the emperor, but it was deemed hazardous to irritate George II by refusal, and all that could be done to sweeten acceptance was to couple it with a request that the British king should press Austria to abstain from levying contributions upon the unfortunate Bavarians. But Carteret could hardly fail to urge that it was for the giver rather than the recipient to attach conditions to a gift, and the haggling was still going on when the return of the messenger from England put an end to the negotiation. The money was never paid, and Charles VII had to fall back upon subsidies from France.

How far Carteret was in earnest in declaring that he and the king were in favour of the proposed terms is to this day wrapped in mystery. But there is one consideration which may well have commended the bargain to George II. It was altogether his own work, and the distasteful joint mediation of Prussia had been entirely excluded. In the earlier proposals of the emperor article 3 was doubtless intended to include Prussia among the mediating powers, but no such article was inserted in the terms as finally adjusted on 15 July. Frederick had nothing more to do with them than any other member of the empire.

The Prussian king must have known about Prince William's embassy and must have had a shrewd idea of the terms which would be suggested. But the rumours from Hanau that an agreement was being adjusted without his being consulted excited his indignation. He determined to send to Hanau Count Finckenstein,<sup>1</sup> destined later to be a foreign secretary at Berlin for half a century, with a personal letter to Carteret, who was little used to such attentions from that source. Finckenstein, who arrived on 17 July, was instructed to thrust himself at all costs into the negotiations, and to insist that the British ministry had committed itself months ago to the principle of joint intervention.<sup>2</sup> But Carteret would talk of nothing but general topics, and George II treated the Prussian envoy with a discourtesy which Frederick never forgave, and for which he characteristically retaliated in his own treatment of Hyndford.<sup>3</sup>

Meanwhile Carteret had to carry out his promise. He did not send any communication of the draft terms to Vienna. But he did transmit the two documents of 15 July to London, though William of Hesse charged him in his later narrative with never having done so. They were sent off on the 16th with a covering letter to Newcastle, in which Carteret commented upon the proposals to be made to Austria. He pointed out that articles 1 and 2 were what we had always demanded, but might be more strongly worded; that article 3 had been taken *ad referendum*, but the last part, about the continuance of the subsidy, must be left out; that article 4 had always been insisted upon as a *sine qua non*; that 6 was essential and there would be no difficulty about it with the empire; and that 7 and 8 could easily be adjusted. He concluded by declaring that, though he had full powers, he would do nothing until he had the opinion of his colleagues at home. In a private letter of the same date he informed Newcastle that the king, thinking it of vital importance to gain the emperor or to keep him in suspense, had decided to risk 100,000 crowns under the head of secret service money, and had signed a warrant for that sum. If the emperor accepted,

<sup>1</sup> Hyndford reported to Carteret that he had vainly tried to obstruct the sending of a Prussian envoy, and in his dispatch of 20 July 1743 drew a very unflattering picture of Finckenstein. 'My Lord, you cannot be too much upon your guard against this little spy, who I am certain will in all his reports put the worst construction upon things, for he is the quintessence of Prussian *fourberie*. He is extremely polite, insinuating, and affected, and I cannot make a truer likeness of him than by saying he resembles his master in everything' (Hyndford Papers, ix, fo. 164).

<sup>2</sup> *Pol. Corr.* ii. 390, Frederick to Podewils, 26 July 1743: 'Il m'importe trop d'avoir les mains dans cette négociation. C'est pourquoi il faut que le comte de Finckenstein s'en mêle, soit à tort ou à travers. . . . Il semble, par ce que Carteret dit à Finck, que le roi d'Angleterre voudrait bien faire les choses tout seul, sans le concours des autres: mais il faut s'obstruire et négocier en dépit de tout le monde.'

<sup>3</sup> For Finckenstein's report see *ibid.* pp. 390-1.

we should draw him into all our measures. If he refused, the warrant would be cancelled and never heard of.<sup>1</sup>

It is vital to remember that this communication reached London at a time of acute ministerial tension. Lord Wilmington, the figure-head whom Pulteney had insisted upon promoting as first lord of the treasury in Walpole's place, had died on 2/13 July, and for five weeks what had come to be regarded as the first office in the state was vacant pending the decision of the king. George II was said to have virtually promised the post, when vacant, to Henry Pelham, and Newcastle, with Hardwicke and other colleagues, was eager to secure his brother's promotion. On the other hand, Carteret made no secret that he was pledged to support the claims of Lord Bath (Pulteney), and Carteret had the king's ear. In these circumstances the home ministers viewed with more than the usual mistrust all proposals from their absent colleague, whom they suspected of a willingness to curry favour with the king by encouraging his Hanoverian predilections. The ill feeling between the British and the Hanoverian forces in the pragmatic army, which had been immensely increased by and since the battle of Dettingen, and of which Newcastle had ample information in letters from the duke of Richmond, stimulated this suspicion. Also Newcastle, naturally distrustful, always entertained the strange belief that Carteret was only a half-hearted supporter of the war and of the Austrian cause. He admitted his merit in putting an end to Hanoverian neutrality and in buying off Prussia, but he accused him of obstructing the march of the pragmatic army into Germany, and held him responsible for its inactivity after Dettingen. These suspicions were not only shared but were openly expressed by Lord Stair, who threw up his command in disgust at what he regarded as a deliberate decision to desert Maria Theresa.<sup>2</sup> The charge of Hanoverianism was an easy and obvious weapon of attack in the eighteenth century, and it was indiscriminately employed against Carteret by all his enemies, but it rests upon little substantial evidence. It is difficult to see how Hanoverian interests were directly affected by either the acceptance or the rejection of the Hanau propositions, and it is still more difficult to see how Carteret's notorious desire for an aggressive war against the

<sup>1</sup> Carteret's two letters of 16 July are in Brit. Mus. Add. MS. 22536 (Carteret Papers).

<sup>2</sup> The latest biographer of Lord Hardwicke adopts this view. 'In July 1743 the King and Lord Carteret, without consulting the ministers at home, suddenly abandoned the whole policy of supporting Austria, and entered into negotiations at Hanau with the Emperor, the rival of Austria and the ally of France' (Yorke, *Life of Hardwicke*, i. 321). Mr. Yorke might have noted that the whole aim of the negotiations was to reconcile the emperor with Austria and to detach him from France. This can hardly be described as 'a total reversal of British policy', especially as it had been pursued for many months beforehand.

house of Bourbon could be combined with a deliberate alienation of Austria. The atmosphere of suspicion, however, must be allowed for in considering Newcastle's reply and his confidential letters on the subject to his colleagues.

Newcastle wrote on 15/26 July that Carteret's letter and enclosures had been carefully considered by the lord chancellor, the lord president (Harrington), Henry Pelham, and himself. They referred to a previous letter of 3/14 June, in which the late Lord Wilmington and Lord Bath had concurred, when they had pointed out that the French were more vulnerable in Germany than in their own territories, and that a separate peace with the emperor involved the risk of bringing the war into dangerous proximity to Britain.<sup>1</sup> The views then expressed were confirmed by the obvious difficulty of bringing about such a treaty, which was obvious from the documents forwarded by Carteret. For example, the third article for providing a monthly subsidy presented an insuperable difficulty. Who was to pay it? And by the terms of the article it might be permanent. Obviously Maria Theresa would be neither able nor willing to pay. It was equally certain that the British parliament would refuse to bear such a burden, and, besides, the assurances in article 2 were not worth it. The ministers urged that Austria should be immediately informed, and that all the allied troops should be concentrated against France so as to force on a general peace. Such a peace must include the demolition of Dunkirk and adequate security against any assistance to Spain on the part of France.

An illuminating commentary on this letter, and on the spirit which dictated it, is supplied by the following extracts from a letter from Newcastle to Lord Orford, who was frequently consulted by his former colleagues, and on whose influence with the king they specially relied at this time to support Henry Pelham against Lord Bath. With the letter went a copy of Newcastle's reply to Carteret, and Orford was asked to send his comments and advice on the situation.

My lively Brother abroad is not yet ripe for breaking with us. . . . German politics, German measures, and (what perhaps is near as bad as either) German manners, will make it difficult for any ministers to go on with safety and success. . . . By all account there is but *one Englishman* either heard or regarded. Our general is no more consulted in the operations of war than we have been in the negotiations that have been carrying on either for war or peace. . . . The scheme abroad is certainly to set ourselves at the head of the Empire. To appear a good German and to prefer the

<sup>1</sup> In a private letter to Carteret of 31 May Newcastle had expressed similar views. 'I dread having France and Spain singly on our hands. . . . The Emperor is the weak point of their question; he is more than half conquered already; there we must press France, and there we shall get the better of them.'

welfare of the Germanic body to all other considerations, this is the principle upon which my Brother Secretary set out at Hanover, and this is now the sole object. In order to this the Emperor must be gained, that is bought, the French must evacuate the Empire, and perhaps some assurance be given them that they may do it with safety, which, if so, accounts for the most unaccountable inaction of our army since the battle of Dettingen. . . . Your friends here, suspecting a little what might be the *carte de pais* there, represented so long ago as the 3<sup>d</sup> June [o.s.] against a separate treaty between the Emperor and the Queen of Hungary, whereby Germany might be cleared, and we and perhaps the Dutch exposed to the resentment of France and Spain without being assured of the effectual assistance of the Queen of Hungary. No notice was taken of this representation, but about ten days ago a letter comes from my Brother Secretary inclosing a draught of articles of a treaty between the Emperor, the King, and the Queen of Hungary, and a draught of a private convention between the Emperor and the King, whereby we were to advance immediately 300,000 crowns to the Emperor (for 100,000 of which there is now actually an order given under the disguise of contingencies for the army); and the Emperor to have besides a large monthly subsidy till he had got, in perpetuity, an increase of dominions suitable to his dignity and the honour of his house, which subsidy might have remained consequently for ever. And by whom it was to be paid I leave you to judge, though that was not yet particularly mentioned. This was referred to us for consideration; my Lord Carteret would do nothing *conclusively* without the Queen of Hungary, who knew nothing of all this, nor without the knowledge and approbation of his colleagues in England. Much was said of the great figure the King made, that this step was to engage the Emperor and the Empire *to form a concert with the maritime powers for the public good and to oblige France to consent to a solid peace*. Not the appearance of a reason or proof to show how France would or could be obliged to consent to a peace by this step. In short the reasonings, or rather insinuations, to induce us to approve were: If you don't do this, you now can do nothing but attack the French in their own frontiers, which will be to great disadvantage. If you do it, you will have the Emperor and Empire on your side. And a sort of insinuation that this measure was necessary either to secure peace or to carry on the war, neither of which appeared to us.<sup>1</sup>

It is characteristic that Orford delayed his reply till 14/21 August, and then evaded the continental problems altogether, merely urging that if the treasury is offered to Pelham, 'however circumscribed, conditional, or disagreeable, even under a probability of not being able to go on, it must be accepted'.<sup>2</sup>

Newcastle's letter to Carteret, reeking as it did with disapprobation and mistrust, was not in itself a veto on negotiations with the emperor, and was not so regarded. Not only did Carteret continue to discuss a possible reconciliation with Haslang, the

<sup>1</sup> Newcastle to Orford, 22 July/2 August, 1743, in Brit. Mus. MS. 32700 (Newcastle Papers, xv), fos. 314-17. The italics are Newcastle's.

<sup>2</sup> Orford to Newcastle, 14/21 August 1743, in Brit. Mus. Add. MS. 32701.

agent of Charles VII, and with Wasner, the able envoy of Austria, but he obstinately adhered to the contention that Austria could not possibly keep possession of Bavaria.<sup>1</sup> In this he was in accord with Lord Hardwicke, and with Henry Pelham, the most level-headed of the ministers at home.<sup>2</sup> But the letter did put an end to the so-called 'treaty' of Hanau, and to the mission of William of Hesse. Carteret could not conceal the fact that it was now impossible for him to sign the 'Projet d'Assurance', though he had continued to inspire the prince with confident hopes during the intervening fortnight. After the return of the messenger he verbally informed the prince that the English ministers were not inclined to free the emperor from his embarrassments, and that they preferred to leave him as a burthen upon France. He added that the emperor had only verbally severed himself from France, and that he ought to show more confidence in the British king, whose support was his only resource. Finally, under pressure, he drew up a written reply on 3 August to the following effect :

That, as the reply from England was not what had been expected, it was necessary to turn to the Queen of Hungary to obtain something for the Emperor ; that, if the Emperor would give a confidential statement of his final conditions, an attempt would be made to get the best possible terms for him, that the Queen of Hungary would be at once appealed to for her last word, and that, once the agreement was made with her, England would be able on her side to do something for the Emperor.

This chilling answer, less encouraging than the previous reply of 7 July, was too much for the patience of William of Hesse. He came to the conclusion that he had been deliberately deluded with false hopes, and quitted Hanau in high dudgeon. His subsidy treaty with England was allowed to expire, and in the next year he joined the league of Frankfort, became thereby virtually an ally of France, in spite of his disapproval of French encouragement of the Jacobites, while the 6,000 Hessians were transferred to aid Charles VII in that temporary recovery of Bavaria which gladdened the last days of his unsuccessful life. The desire to justify his desertion in the eyes of his English

<sup>1</sup> Robinson writes to Carteret on 27 August that Ulefeld had complained 'that even by this last courier your Lordship had spoken more plainly than ever to M. Wasner of the *immediate* restitution of Bavaria' (State Papers, For., Germany, 159). And on the same date Carteret wrote to Newcastle : 'as to Bavaria, gained by a providential rapidity of success, I tell the Queen she can't keep it *iusto titulo*, because not one state in the Empire will consent to her occupation of it' (Brit. Mus. Add. MS. 32701 ; Coxe, *Henry Pelham*, i. 87).

<sup>2</sup> Hardwicke to Mr. Stone, 4 September 1743, in Brit. Mus. Add. MS. 32701 : 'I cannot help thinking that *opiniâtreté* of the Court of Vienna about retaining Bavaria and the Upper Palatinate intolerable, though I do apprehend the restitution has been proposed too early.'

friends was the chief motive for Prince William's intervention in the fierce controversy about Hanau which arose in the autumn of 1744.

Another prince who did not conceal his annoyance at the failure of the Hanau negotiations was Frederick the Great. There can be no doubt that the desire to keep Frederick quiet and appeased<sup>1</sup> was one of the reasons which led Carteret to meddle with the ticklish question of the restitution of Bavaria, and to run the risk, which Newcastle and other critics exaggerated, of alienating Maria Theresa. If he had been a free agent, he would probably have treated Finckenstein with more courtesy than George II allowed him to show. Frederick's professions of German patriotism were doubtless exaggerated and insincere, but there is no reason to question the sincerity of his interest in the cause of Charles VII, and he had ample cause to resent the threatened Austrian annexation of Bavaria and the concentration of two electorates in a single hand. For this reason, while he had resented his own exclusion from the Hanau proposals, he was none the less indignant at their apparent rejection. His wrath was visited upon the unfortunate Lord Hyndford, who knew nothing about the matter. Carteret had received intelligence from the new archbishop of Mainz—a partisan of Austria who owed his election largely to the presence in Germany of the pragmatic army—of a curious overture said to have been made by Hatsel, sub-intendant of Strasburg, on behalf of Marshal Noailles. This took the form of a request that the archbishop should suggest to Austria the conclusion of peace on the basis that France would consent to the election of the young archduke as king of the Romans and would aid Maria Theresa in the reconquest of Silesia. As a sign of goodwill Carteret instructed Hyndford to carry the news to Frederick, and at the same time to point out that it was probably only an attempt to sow dissension among the allies of Austria.<sup>2</sup> Hyndford, who was having a very dull time at Berlin, set out to carry what seemed to him an interesting dispatch to Frederick at Glogau. To his intense astonishment he was received with a storm of indignation. Frederick made an

<sup>1</sup> Before he returned to England Carteret wrote from Hanover to Robinson about Frederick: 'Maybe the greatest service that has been done the court of Vienna this year has been brought about by knowing how to keep that Prince this year in inaction' (State Papers, For., Germany, 159, Carteret to Robinson, 7 November 1743). When he wrote these complacent words he can hardly have anticipated what prominence would be assigned to his own conduct in this year as stirring Frederick to action in 1744.

<sup>2</sup> Apparently more importance was attached at Vienna to Hatsel's propositions. Robinson writes to Carteret on 4 August 1743: 'I did not like Count Ulfeld's confused way last night of talking of those propositions, and his dislike of your Lordship's intention to advertise the King of Prussia of that incident' (State Papers, For., Germany, 159).

unprintable comment on the Hatsel revelations, and then suddenly burst out with his grievance.

Est-ce qu'on ne restituera pas les pais de l'Empereur ? My Lord Carteret a oublié ce qu'il m'a promis touchant la Bavière, et il a bien joué le pauvre Prince de Hesse. De quelle manière et en quoi, Sire, car je n'en sais rien. O ! je le sais fort bien. Est-ce aux insulaires de donner la loi à l'Empire ?

To complete the astonishment of the envoy, Frederick sent for his carriage, raced Hyndford back to Berlin, beat him, and at once summoned Valori to a private conference. Hyndford, 'farouche comme tous les Écossais', as Podewils described him,<sup>1</sup> was not prepared to submit to what he called the 'brutalities' of Glogau. His protest extorted a sort of apology from the king, who declared that he was tired and out of humour, 'and that the King my master had hid from him some negotiations which were on foot at Frankfort, and particularly a proposition which had been sent to England, although it was not approved of'.<sup>2</sup>

RICHARD LODGE.

#### APPENDIX.

##### *Carteret's Assurances as to an Equivalent for Silesia.*

The following extracts from the Robinson Papers (vols. xxxii and xxxiv), which have been furnished by Mr. D. B. Horn, M.A., throw a clear light upon the nature and the limitations of the assurances given by the British government to Maria Theresa at the time of the treaty of Breslau with regard to some eventual compensation for the loss of Silesia. They have an important bearing on the difficulty of pressing any such agreement as that outlined at Hanau upon the court of Vienna, and also upon the Austrian demands for a renewal of similar assurances after the signature of the treaty of Worms.

Robinson to Carteret, 19 June, n.s., 1742 (Secret), sends Ulefeld's 'Secret Reflections', and adds: 'To own the truth, one of the greatest difficulties I have been under of late was the not being able to give any authentick immediate declaration on the part of England, much less of any intention to indemnify by one means or another Her Hungarian Majesty for the sacrifice of Silesia. And even though the sacrifice is made, nothing can in this moment give any ease to this afflicted princess but the hope that one or other or all of said Reflections may be seriously entered into and improved as far as may be possible' (Brit. Mus. Add. MS. 23864, Robinson Papers, xxxiv, fo. 1706).

The relevant article in the 'Secret Reflections' is no. 7, which lays down the principle that the house of Bourbon must be deprived of what it

<sup>1</sup> *Pol. Corr.* ii. 159.

<sup>2</sup> Robinson states that great interest was excited in Vienna by the news of Hyndford's ill treatment at Glogau. Both the Austrian ministers and Robinson himself thought 'that it was clear that the King of Prussia expected that the Emperor should be restored to his country, and that he thought your lordship had only amused the Prince of Hesse' (Robinson to Carteret, 21 August 1743, in State Papers, For., Germany, 159). Hyndford's account of his experiences is to be found in his dispatches of 15 and 20 August in State Papers, For., Prussia, 57, and in the Hyndford Papers, vol. ix.

has unjustly acquired, and adds : ' Ce qui est l'unique moyen de relever tant soit peu la maison d'Autriche, est d'arrondir ses états du côté de la Bavière, en donnant un autre équivalent à l'Electeur de ce nom, et de satisfaire le Roi de Sardaigne sans que le peu qui resteroit à la Reine de ses états d'Italie fût plus à charge que de la moindre utilité.' The imperial crown must also be restored in due season to the house of Austria.

Carteret to Robinson, 29 June, o.s., 1742. Full instructions, especially upon Ulefeld's paper of secret points, will be sent to him by Porter. 'In the meantime you may assure the Austrian ministers that it is far from the King's intentions to propose to the Queen to make any further cession of any part of her German dominions to anybody whatsoever, but that on the contrary she will find His Majesty in a disposition rather to assist in procuring her an equivalent for what she has already lost' (Brit. Mus. Add. MS. 23811).

Private autograph letter from Newcastle to Robinson, 5 July, o.s., 1742 : ' The Queen of Hungary will never hear from us of any further concessions in Germany. On the contrary, we hope it may be practicable to procure some *dédommagement* for her from her enemies' (*ibid.*).

On 8 August, n.s., Porter arrived at Vienna. The following extract is from a paper in Robinson's own hand, to which he has prefixed the note, ' Taken down from Mr. Porter's own mouth and read in French to the Austrian ministers. T. Robinson.' After a preamble expressing agreement with the ' Secret Reflections ' that French power must be reduced, there follow the words : ' It is the King's absolute view to obtain some part in Germany to aggrandize the Queen and to make her amends. That as the Emperor has already made overtures for an accommodation and the Court of Vienna's intention does not appear to dethrone him, and that if a negotiation with him should take place, it should be on the conditions to aggrandize him at the expense of France, by giving him for his life at least some part or all of Alsatia or what may be obtained on that side, in order that the Queen may be the more easily made amends on the side of Bavaria. But, as it is not the King's intention to have the imperial crown continued in the family of Bavaria, he will make it his principal endeavour to have the Grand Duke King of the Romans. That the King is no less determined to bring the French to make an absolute restitution of Lorraine in favour of Prince Charles, that by the late proposal made from the Emperor through the Prince of Hesse's canal, with respect to which His Majesty gave no answer but to refer him to the Queen of Hungary, and that nothing was to be done but by her consent and advice [the correspondence with William of Hesse at this time is in Brit. Mus. Add. MS. 22527], that in that case by detaching him from France and seconding his endeavours in the Empire might render our views more extensive with regard to the Queen, to which His Majesty would lend his most effectual concurrence and support, and that, though we should not succeed in that view, it will in no way lessen His Majesty's intentions. That His Majesty has not only received overtures from France but actually his own terms from Spain, but he is determined in one and the same answer to all the Queen's enemies, that she must be not only satisfied for the wrong she has suffered, but that He will hearken to no terms without her

concurrence and consent and that of the King of Prussia' (Brit. Mus. Add. MS. 23864, fo. 413).

These assurances may have been made more grammatical when translated into French, but they were not regarded as satisfactory by the Austrian ministers, and cannot have been rendered more attractive by the assurance that the ultimate terms were to need the approval of Prussia. On 11 August, n.s., Robinson reported to Carteret that despite his protestations the Austrian ministers 'interpret with the utmost diffidence' his declining to give them anything in writing. On the 15 August he further reported that, when Ulefeld attacked him on the same subject, he had renewed his assurances that what he had read were 'the very principles, not to say the most private instructions, on which I was to direct all my actions'. Ulefeld answered that there was 'nothing specifical' in what Robinson had said, adding that it was not enough, and that they had been promised more from another quarter [*sc.* Lord Stair], although that too varied' (Brit. Mus. Add. MS. 23864).

In the following year Austria succeeded at Worms in getting these vague assurances made more definite and binding. On 13 September 1743, the same day on which the treaty with Sardinia was signed, Carteret and Wasner also signed the first of two separate Declarations, which constituted a supplementary agreement between Austria and Great Britain. In the preamble allusion was made to the English support of the Pragmatic Sanction and to the circumstances which had compelled Maria Theresa to make the treaty of Breslau. 'Et comme cette grande affaire a rencontré bien des obstacles avant que d'avoir été portée à perfection, vû le grand sacrifice que la Reine devoit faire dans cette conjoncture critique pour le bien de toute l'Europe, le Roy a donné des assurances sans pourtant entrer dans aucun engagement de Luy procurer le meilleur dédommagement qu'il seroit possible, suivant les conjonctures et le succès de la guerre.' In view of these assurances and of the cessions to Sardinia, 'le Roy, pour tranquilliser Sa Majesté la Reine sur le dédommagement, renouvelle par le présent acte tous les engagements susdits, promettant, en foy de Roy, d'assister Sa Majesté la Reine d'Hongrie et de Bohême de toutes ses forces pour Luy procurer, avec l'assistance divine, tout le dédommagement possible et seureté pour l'avenir'. In the second Declaration, signed on 14 September, which guaranteed the payment of the annual subsidy of £300,000, 'tant que la guerre et le besoin durera', 'S. M. Britannique promet de même par cette convention d'exécuter fidèlement tous les engagements précédents, et nommément ceux qui résultent du second article de l'acte d'accession du 20 Février 1732, et des assurances qui ont été données à S. M. la Reine à l'occasion de la paix de Breslau touchant une juste satisfaction pour le passé et la seureté pour l'avenir'. Both Declarations are given *in extenso* in Arneth, ii. 525-7.

These Declarations, and the version which they gave of the assurances of 1742, called forth vehement denunciations on the part of Newcastle. In the summary history of the war which he drew up in October (Brit. Mus. Add. MS. 32701; Coxe, *Pelham*, i. 471-7, condensed in Yorke's *Hardwicke*, i. 318-21) he says of Breslau, 'I do not remember any promise made to the Queen of Hungary at that time, either verbally or in writing,

that could amount to anything like an engagement on the part of the King to procure the *dédommagement* for the Queen of Hungary in consequence of the cession'. And on 14 October he wrote to an unnamed correspondent, probably Andrew Stone, stating that he was inclined to oppose ratification of the Declaration. 'It absolutely engages for a subsidy of £300,000 per annum. It engages positively for a *dédommagement* even to the utmost extent of Lord Carteret's *unknown promise* at the making of the Treaty of Breslau.' It is characteristic of Newcastle that at one moment he accuses Carteret of alienating Maria Theresa and breaking away from the Austrian alliance, and at the next moment attacks him for giving too favourable terms to Austria. But his most ingenious effort is to make the latter fault the result of the first. On 13 September (o.s.) he writes to Lord Hardwicke, *à propos* of the Worms agreements, 'The fault and misfortune is that Lord Carteret has brought this upon himself *and us* by his abominable, courtly negotiation with the Emperor, which made the Queen of Hungary insist upon some assurance *in writing* from us' (Yorke, *Hardwicke*, i. 339). And to Lord Orford on 16 September (o.s.) he said the same: 'This, I am afraid my Brother Carteret may have drawn, in some measure, upon himself by his *tampering* with the Emperor' (Coxe, *Pelham*, i. 95). This is a new link between Hanau and Worms.

## *Notes and Documents*

### *The Chronology of Trebizond*

SINCE Finlay wrote, much new material for the history of the empire of Trebizond has been published. The present note deals with the chronological corrections which can be made therefrom. Thus, the episode of the Genoese Lercari's revenge was placed by Fallmerayer, following the Genoese historians, Agostino Giustiniano, Bizari, and Folietta, in 1380 during the reign of Alexios III. None of these historians mentions the name of the emperor, nor does their predecessor, Senarega, in his letter to Pontano on the subject, give either the name or the date. But Desimoni places the episode in the reign of Alexios II, whose treaty with Genoa in 1316 expressly alludes to 'the damages done by Megollo Lercari'. As the earlier treaty of 1314 makes no mention of the matter, Desimoni<sup>1</sup> thinks that it occurred between 1314 and 1316, and cites a Genoese document of 1313, which states that a Megollo Lercari had a galley in the Levant in 1312. The late F. W. Hasluck informed me that Finlay's journal contained 'a Genoese inscription from Trebizond, apparently by Megallo Lercari'. But his published note thereon and his photograph of the stone at Trebizond bearing the Lercari arms, which was in the 'Historical Exhibition of the Genoese Colonies in the East',<sup>2</sup> had an inscription recording a sacristy erected in 1365 by a Manfredo Lercari. The incident was made the subject of a novel by Bandello.<sup>3</sup>

The three modern historians of the empire of Trebizond, Fallmerayer, Finlay, and Joannides, place the murder of Alexios IV between 1445 and 1449 and probably at 1446, basing these dates upon a theological treatise, addressed by 'Gregorios [patriarch] of Constantinople to the Emperor Alexios Komnenos', which Allatius<sup>4</sup> ascribed to the patriarch Gregorios III (1445-50), known to be the author of a long letter to the emperor of Trebizond on the procession of the Holy Ghost, which Migne<sup>5</sup> published, and upon the statement of Phrantzes,<sup>6</sup> that John IV

<sup>1</sup> *Atti della Società Ligure di Storia Patria*, xiii. 495-536.

<sup>2</sup> *Ibid.* xlv. p. cxxxi; *B.S.A.* xvii. 141.

<sup>3</sup> Vol. iii, novel 14 (ed. 1911).

<sup>4</sup> *De ecclesiae occidentalis atque orientalis perpetua consensione* (Cologne, 1648), p. 954.

<sup>5</sup> *P. G.* clx. 205-48.

<sup>6</sup> p. 207 (ed. Bonn).

was emperor at the time of his mission to Trebizond, in 1446 or 1449. A Genoese document <sup>1</sup> of 9 June 1449 also mentions 'the death of the emperors of Constantinople and Trebizond' as a fairly recent event. But Professor Jorga in his *Notes et Extraits pour servir à l'Histoire des Croisades* <sup>2</sup> gives a Venetian document, dated 28 October 1429, which alludes to 'the assassination of the emperor of Trebizond by his son, Caloianni', the nickname of John IV. Thus Alexios IV was murdered before this date. This is confirmed by a Genoese document <sup>3</sup> of 8 November 1427, in which the Genoese government orders its consul and other officials at Caffa to keep on good terms with the emperor of Trebizond, as a rumour had reached Genoa that his son was at that Genoese colony, where, as Chalkokondyles tells us, he actually was a little before the murder of Alexios IV. Moreover, we know from two other contemporary sources that Alexios had died long before the date given by the three modern historians. The doge of Genoa <sup>4</sup> wrote on 10 March 1438 to Dorino I Gattilusio of Lesbos, alluding to the discord between the emperor of Trebizond and his brother, 'your son-in-law', and urging him to persuade the latter to keep the peace. Now the husband of Dorino's daughter, Maria, was John IV's brother, Alexander. Further, Pero Tafur, <sup>5</sup> who was at Trebizond between 1435 and 1439, shows that the then reigning emperor was John IV, for he alludes to his murder of his father and says that his brother was living in Constantinople with his sister, the Byzantine empress, Maria, and engaged to a daughter of the Gattilusj. Is it not possible, in the face of this evidence, that Allatius may have ascribed to the patriarch Gregorios III the authorship of a treatise which should belong to the still more famous polemical writer, the patriarch Gregorios II (1281-9)? In that case 'the emperor Alexios Komnenos' mentioned would be Alexios II. But, as his reign did not begin till 1297, we must suppose that (as was usually the case in the Trapezuntine empire) Alexios was associated by his father in the imperial title. Still, at the age of six, he would be a little young to appreciate a treatise on 'the interpretation of certain questions of the Old Testament'.

The researches of the late Professor Lampros <sup>6</sup> have enabled us more nearly to fix the date of the fall of Trebizond. A Venetian document, dated 26 October 1461, says that news had recently reached Venice that the sultan had 'subdued the emperor of Trebizond, whom, with an immense number of captives, he had sent to Constantinople'. As the Venetian envoy to the sultan

<sup>1</sup> *Atti*, xiii. 218.

<sup>2</sup> *Ibid.* v. 364.

<sup>3</sup> *Colección de libros españoles raros ó curiosos*, viii. 158-60.

<sup>4</sup> *Néos Ἑλληνομνημον*, ii. 324-33.

<sup>5</sup> *Revue de l'Orient latin*, vi. 67.

<sup>6</sup> *Giornale Iugustico*, ii. 292-3.

had received his instructions on 2 March and returned on 21 September, Lampros put the fall of Trebizond between those dates. The space can be further contracted, for not only was the last Genoese consul nominated to Trebizond<sup>1</sup> on 10 April but the second of Mohammed II's letters to Skanderbeg<sup>2</sup> was dated from Constantinople, which he had obviously not yet left for his expedition against Trebizond, on 22 June 1461. This is confirmed by the date of George Amoiroutzes's letter to Bessarion,<sup>3</sup> as given in the Vatican manuscript, consulted by Lampros, but missing from the Parisian manuscripts, whence Boissonade and Migne printed their copies. As Amoiroutzes wrote from Adrianople, whither he had been sent from Constantinople, on 11 December 1461, Trebizond must have fallen some time before that.

Lastly, we now know the exact date of the death of David, the last emperor of Trebizond, from two annotations in a gospel belonging to the commercial school at Chalke. We learn that on Saturday, 26 March 1463, he was imprisoned and chained in the tower at Adrianople, and killed by the sword with three sons and a nephew on Sunday, 1 November 1463, in the fourth hour of the night. This confirms the statement in a letter of the patriarch Sophronios I, dated August 1464, that David 'with his three sons' was killed 'a few days' after his arrival at Constantinople. He had, therefore, three, not 'seven sons'.<sup>4</sup> We know from Chalkokondyles<sup>5</sup> that his daughter's name was Anna; M. Diehl<sup>6</sup> has shown that his niece, whom Finlay called 'Despina Katon', was named Theodora in a Venetian document of 1466, and that 'Katon' does not mean 'Katherine' but 'princess'. Similarly the word *ταγῃστήρια* in Doukas,<sup>7</sup> which Finlay, after the Latin translation of the Bonn edition, translates 'prayer-carpet', means 'measures of corn for horses', from *τάγιστρον*, the 'bag', into which the corn was put.

WILLIAM MILLER.

### *The Rough Copies of the Privy Council Register*

AMONG the Lansdowne manuscripts<sup>8</sup> there is a volume catalogued as 'A diary of Court transactions or minutes of Privy Council business from the 20th November 1558 to the 30th April 1559'.

<sup>1</sup> *Att.*, vii. i. 106; ii. 956.

<sup>2</sup> Barletius, *De Vita . . . Georgii Castrioti*, p. cccxiii (ed. 1537).

<sup>3</sup> *Néos 'Ελληνομνημων*, xii. 476-8; xiv. 108.

<sup>4</sup> *Ibid.* vii. 86-7, 494-5; Papadopoulos-Kerameus in *Βυζαντινά Χρονικά*, v. 678-80; Sathas, *Μεσαιωνική Βιβλιοθήκη*, iii. *πά.*

<sup>5</sup> p. 527 (ed. Bonn).

<sup>6</sup> *Dans l'Orient byzantin*, p. 209 note.

<sup>7</sup> p. 339 (ed. Bonn).

<sup>8</sup> Lansdowne MS. 238, fos. 1-62. My attention was called to this volume by my colleague Mr. J. E. Neale, who recognized it as a rough copy of the Privy Council Register.

a description which follows the title on fo. 1, written probably by Strype, in whose possession the book once was.<sup>1</sup> The volume, which measures 12 inches by 8 inches, and whose pages have been folded longitudinally into four, as was so commonly done in the sixteenth and seventeenth centuries in order to secure a margin on each side of the page, is the original rough copy of the Privy Council Register for these five months.<sup>2</sup> It agrees almost word for word with the fair copy preserved in the Record Office,<sup>3</sup> the commonest differences being just such as one would most naturally expect to occur where a copy is being made by dictation, and the copyist has consequently been able to go his own way in matters of spelling.

On several occasions Dasent in his printed version of the fair copy has recognized that his manuscript text was inaccurate; usually the rough copy supports the emendation that he has suggested,<sup>4</sup> and on one occasion it supplies the right word where Dasent merely states that something is missing.<sup>5</sup> But sometimes both rough and fair copies agree in the inaccuracy: both, for example, omit the words 'the Lords' on p. 21 of Dasent's edition, and both have 'Commissyons' where it ought certainly to be 'submissyons';<sup>6</sup> both, also, quite properly read 'countye' where Dasent has implied that he considered 'county court' to be the correct form.<sup>7</sup>

There are, in addition, a few cases where the order of the entries is slightly changed,<sup>8</sup> and on one occasion four entries in the rough copy have been compressed into one in the final version.<sup>9</sup>

<sup>1</sup> Strype has also written in marginal headings, and on fo. 6 there is a comment by him written in shorthand.

<sup>2</sup> It begins at p. 3 of *Acts of the Privy Council*, ed. Dasent, vol. vii, and ends with the recognizances of Moundford, Andrews, and Willoughby (*ibid.* p. 96).

<sup>3</sup> Privy Council Register, no. 8 (Mary and Eliz., 1 A); this covers the period from 1 January 1558 to 12 May 1559. It is a splendid volume, beautifully bound in what seems to be the original binding and written throughout in a fair clerkly hand, one of the most obvious examples of the so-called fair copy in the whole series of Registers.

<sup>4</sup> The following are the instances that I have noted: Dasent, vii, p. 8, insertion of 'their'; p. 11, change of 'be' into 'being'; p. 20, alteration of 'Lord Admiral' to 'Lord Chamberlain' in the list of attendances for 16 December 1558; p. 21, omission of the second 'heretofore'; p. 28, change of 1559 to 1558. Dasent queries 'than' on p. 96, but this word occurs neither in the rough copy at the British Museum nor in the fair copy at the Record Office, and is therefore a mistake of the Record Office copyist.

<sup>5</sup> 'names' should be inserted after 'whose' on p. 46.

<sup>6</sup> Dasent, vii. 93; Lansd. MS. 238, fo. 60.

<sup>7</sup> Dasent, vii. 39; Lansd. MS. 238, fo. 25 b.

<sup>8</sup> *Ibid.* fo. 21; sometimes this involves a change of date, e.g. the letter to the lieutenant of the Tower in regard to Thomas Lloyd (*ibid.*, fo. 44; Dasent, vii. 67-8), which in the rough copy is 18 March instead of 16 March; the letter to the sheriff of Essex (Lansd. MS. 238, fo. 57 b; Dasent, vii. 87-8) in the rough copy is under 18 April instead of 17 April.

<sup>9</sup> The entry in regard to the bishops' appearances, on 5 April 1559 (Lansd. MS. 238, fo. 51 b. Dasent, vii. 79); curiously enough the entry of their appearances on

It is, however, in the matter of lists of attendances that there is the widest divergence between the rough and the fair copies. On 25 December 1558 the fair copy records 'Thapparence as before, except Mr. Mason', while the rough copy gives a list of those present which includes the name of Mr. Mason.<sup>1</sup> Both on 15 December 1558 and 14 January 1559 the rough copy has no note of the attendances: on each occasion the fair copy states 'Thapparence as before',<sup>2</sup> while on 6 February 1559, where the rough copy again gives no list, the fair copy says 'Thapparence as before, adding Mr. Vicechamberlain'.<sup>3</sup> Finally, on 11 February the fair copy includes among those present the vice-chamberlain, whose attendance is not recorded in the rough copy.<sup>4</sup> Mere errors in names are easy to understand, but the insertion of a statement of attendances in the fair copy where none existed in the rough one can be explained only by one of two assumptions; either the rough copy was transcribed so soon after the meetings that the copyist could ask the clerk to supply the omissions from memory, or the fair copy was falsified, so that the clerk's carelessness should not be noticed. It is also curious to note that the rough copy until 17 February 1559 always refers to Sir Nicholas Bacon as keeper of the seal, thenceforward as lord great seal, while the fair copy gives him the latter title from the beginning.

By far the most interesting questions arising from the discovery of this rough copy are, however, connected with recognizances. At this time it was the custom for the lords of the privy council to take recognizances from persons who had been brought before them, binding them either to obey the council's decisions,<sup>5</sup> to attend the council day by day until their case was disposed of,<sup>6</sup> to keep the peace,<sup>7</sup> to give evidence before some other court or committee,<sup>8</sup> or to return to prison if certain conditions were not fulfilled.<sup>9</sup> At first these recognizances were taken before the lords of the council or some of them,<sup>10</sup> but that probably soon became a matter that could be relegated to the clerks, the

6 April is split into two in the fair copy but remains as one entry in the rough one (Lansd. MS. 238, fo. 52; Dasent, vii. 80).

<sup>1</sup> *Ibid.* vii. 29; Lansd. MS. 238, fo. 19.

<sup>2</sup> Dasent, vii. 19, 43; Lansd. MS. 238, fos. 13, 28.

<sup>3</sup> Dasent, vii. 52; Lansd. MS. 238, fo. 34.

<sup>4</sup> Dasent, vii. 53; Lansd. MS. 238, fo. 35.

<sup>5</sup> See Dasent, i. xviii. 49, 56; vi. 292.

<sup>6</sup> See *ibid.* vi. 61; vii. 78, 86; often the condition was less rigorous and merely demanded that the accused should appear on a certain day (*ibid.* vii. 87) or at so many days' notice (*ibid.* vi. 49, 257).

<sup>7</sup> *Ibid.* vi. 61; vii. 88, 96, 145.

<sup>8</sup> *Ibid.* vi. 133.

<sup>9</sup> *Ibid.* vii. 48.

<sup>10</sup> *Ibid.* i. 37, 111, 150-1, 485; vii. 295; viii. 139; Nicolas, *Proceedings and Ordinances of the Privy Council*, vii. 26, 294.

council merely giving the order for a recognizance to be taken.<sup>1</sup> Finally, during the year 1564 these recognizances, which had hitherto been of very frequent occurrence in the Privy Council Register, vanish altogether from its pages.<sup>2</sup> To some extent this implies a change in procedure: thenceforward the council more frequently ordered the official who was concerned to take bonds of the suspected person. In addition, it became much more usual for the local authorities to take bonds to appear before the council from any person whom they sent up, thus saving the council's time.<sup>3</sup> There are, indeed, still to be found cases where the clerks were ordered to take bonds of some person who had fallen under the council's suspicion, but these bonds are no longer entered in full in the Register,<sup>4</sup> and become less common as the sixteenth century draws to a close. This change in procedure was probably due to the increasing pressure of business and to the consequent necessity of handing over to other authorities the preliminary or merely formal stages of an investigation.

In entering these recognizances the clerks adopted various methods, the variation probably resulting merely from the exigencies of the moment. In the earliest surviving volume of the Privy Council Register<sup>5</sup> the recognizances are copied in from the originals by the clerk of the council, or by a professional copyist, and no signatures are appended; the signed original was on a separate sheet and was deposited in the council chest,<sup>6</sup> to be returned or destroyed when the recognizance was vacated. This method lasted as long as recognizances were entered in the Register, but in some volumes it is not the copy of the recognizance that is found, but the recognizance itself, attested by the original signature of the person concerned. This is the case in the fragment of a register under discussion, where there are to be found fifteen separate recognizances, all of them having the original signatures, though three of the persons so bound apparently could not write and were therefore obliged to put their marks.<sup>7</sup>

<sup>1</sup> Cf. Dasent, vii. 105.

<sup>2</sup> The last recognizance entered on the Privy Council Register is under the date 29 May 1564 (*ibid.* vii. 145). The recognizances of the earls of Ormonde and Desmond (22 November 1565; *ibid.* vii. 295-6) are isolated and exceptional instances of this procedure.

<sup>3</sup> See index of Dasent, vols. vii and viii, under 'Bonds' for examples; this was not a new procedure, but it now became very much more common.

<sup>4</sup> e.g. Dasent, xii. 335 (1581); xiii. 347, 356 (1582); xix. 394 (1590); xxii. 75, 103 (1591); Privy Council Register, 50, pp. 255-6 (1639).

<sup>5</sup> Printed in Nicolas, *Proceedings and Ordinances of the Privy Council*, vol. vii, and Dasent, i. 3-157. The volume covers the period from 10 August 1540 to 22 July 1543.

<sup>6</sup> Compare Sir Hugh Willoughby's recognizance of 9 July 1551 (Dasent, iii. 315).

<sup>7</sup> These three are Thomas Colley (Lansd. MS. 238, fo. 45; Dasent, vii. 70), John Castell, and John West (Lansd. MS. 238, fo. 57; Dasent, vii. 88); it is interesting to note that Colley was mayor of Dover.

There are certain interesting differences between the rough and the fair copy in some of these recognizances: those of Dr. William Chedsey<sup>1</sup> and Henry Knevet and Lewis Pollard<sup>2</sup> are heavily scored through in the rough copy, while the fair copy merely has the marginal note that they had been vacated. There is precisely the same conditional clause after the recognizance of the bishop of Carlisle as there is after those of the other bishops, though the fair copy omits this.<sup>3</sup> In the rough copy the recognizance of Henry Cumberforde is struck out and in the margin is written 'discharged scdo decembr vntill the towne of Lichefield begin their sute again having resonable warning'; the fair copy gives no indication that this recognizance has been vacated. And finally the rough copy has a recognizance of Thomas Jones of King's Lynn which the fair copy omits altogether: it is crossed through and in the margin is written 'discharged pmo may in consideracoñ of y<sup>e</sup> recognisance taken after';<sup>4</sup> the recognizance was for £200 and the condition attached to it was that

Thomas Jones do personally appere tomorrow in the morning by X of the Clok and bring w<sup>th</sup> him twoo sufficient sureties to be bounde w<sup>th</sup> him in the some of 200 li to be of good abering & behavior to wardes Osbert mountforde & do not depte vntill he & they shall have entred the said bandes and do also in the meane tyme kepe the peax against the said mountforde.<sup>5</sup>

The appearance of these original recognizances together with the other differences between the Lansdowne manuscript and the Privy Council Register should establish beyond a doubt the claim of this manuscript to be the original rough copy of a part of the Register for 1558-9 and not a mere contemporary copy of it made for some special purpose.<sup>6</sup> Does this assist us in deciding whether the other volumes of the Register are rough copies or fair ones, and whether indeed there always was both a rough copy and a fair copy?

Dasent in his printed introductions to the *Acts of the Privy Council* is rather apt to call his manuscripts rough or fair copies on somewhat slender evidence, and to assume that, if all the originals had survived, there would be two complete series of volumes—one of rough copies and the other of fair ones; this

<sup>1</sup> Lansd. MS. 238, fo. 51; Dasent, vii. 79.

<sup>2</sup> Lansd. MS. 238, fo. 55 b; Dasent, vii. 86.

<sup>3</sup> Lansd. MS. 238, fo. 51; Dasent, vii. 79.

<sup>4</sup> Lansd. MS. 238, fo. 61 b; this refers to the recognizance of 30 April 1559 printed in Dasent, vii. 91.

<sup>5</sup> Lansd. MS. 238, fo. 61 b.

<sup>6</sup> Such copies are not by any means unknown. Add. MS. 9285 in the British Museum is a verbatim copy of the Privy Council Register for 1570-5, made probably in the early seventeenth century, though for what purpose it is difficult to say.

does not, however, seem to be at all likely. In the first place, it is necessary clearly to understand what is to be implied by these terms.<sup>1</sup> The rough copy is as complete as the fair one, but differs from it in being made at the time, either from memory, notes taken at the meetings of the council, or letters which the clerks dispatched after the council was over. A fair copy was made some time later and would usually be all in one handwriting ; this does not mean that the fair copy would not be started until the volume of the rough copy was finished, but that it would be made up at intervals of several weeks or even months and not day by day. Out of the whole series of Privy Council Registers from Henry VIII to Charles I—a matter of some fifty volumes—there are only four that can, with any certainty, be called fair copies : these are nos. 7, 8, 10, and 11, covering the two periods 22 August 1553 to 12 May 1559 and 24 May 1570 to 4 August 1577, and of only two of these <sup>2</sup> have the earlier versions survived. Each of these four volumes is written throughout in the same hand, nos. 10 and 11 having been copied by the same person, and effort seems to have been made to secure uniformity, legibility, and even a certain beauty of appearance. How long a time elapsed between the writing of the rough copy and the transcribing of the fair it is very difficult to say ; it probably varied considerably from time to time, but, from the fact that recognizances in no. 6—the rough copy—that had been vacated before the fair copy was made, were omitted from the latter, it can be deduced that sometimes at least two months must have intervened.<sup>3</sup> On the other hand, an entry of 3 January 1557 appears in both rough and fair copies ; on 25 March it was so thoroughly cancelled as to be absolutely illegible in both copies ; <sup>4</sup> therefore the fair one must have been written up by the latter date.

Besides these four volumes there are two others <sup>5</sup> which are tidy and well written, and at first glance might be supposed to

<sup>1</sup> Dasent is not at all clear or consistent in his use of the terms 'rough copy' and 'fair copy'.

<sup>2</sup> Privy Council Register, nos. 7 and 8. The Hatfield MS. (no. 5) and no. 6 supply the rough copy for much of no. 7, and the Lansd. MS. 238 covers five months out of the sixteen dealt with in no. 8. It is possible also that the first few entries of no. 12 represent the rough version of the last few pages of no. 11 ; they are nearly identical, the differences being such as would naturally occur between hasty current entries and the more polished version made up at a later date.

<sup>3</sup> e. g. the recognizance of William Gyrling was entered on 2 April 1556 and vacated on 5 June, and is not transcribed, nor is that of Richard Lyster, entered on 9 July 1555 and vacated on 24 August. Also it may be noticed that the copyist, in making the fair copy no. 7, went straight on from 17 June to 27 July 1557 (no. 7, p. 634), and when the error was discovered extra pages had to be inserted to take the minutes that had been omitted ; this again shows that the fair copy was made some considerable time after the rough one.

<sup>4</sup> Dasent, vi. 38.

<sup>5</sup> Privy Council Register, nos. 3 and 4 (6 October 1549 to 15 June 1553).

be fair copies. But this is not, I think, the case ; neither of them is written entirely in the same hand,<sup>1</sup> though little stress can be laid on this, as, especially in the case of no. 4, a single handwriting predominates over a very considerable period, almost to the exclusion of any other. It is more important to emphasize the fact that they must have been compiled within a very short time of the actual council meetings ;<sup>2</sup> indeed in regard to no. 4 special order was given to ensure its punctual and accurate compilation. When William Thomas was appointed a clerk to the privy council in April 1550

It was agreed that, forasmuch as the due observacion of the Registre of all suche thinges as shulde passe by Ordre of the Counsaile is an office that shall require a speciall diligence, therefore the fore-named William Thomas is dischargd of all other maner of businesse, to thentent that having nothing elles to attend unto he may the better applie his chardge to see that nothing worthie to be registred be omitted or lefte unwritten ; and specially to thentent no warraunt shulde escape unregistred, it was ordred that lettres shulde be writen to the Treasurers not to paye any warraunt, though it be signed by the Counsaill, onlesse it be also subscribed with the hande of the said William Thomas.<sup>3</sup>

No. 4 is undoubtedly the volume in which Thomas entered each warrant before it was dispatched, for the earlier portion of it is almost entirely in his hand ; Bernard Hampton appears to have succeeded him in this special charge, for from 24 September 1551 the great bulk of the Register was written by him.<sup>4</sup> But though one man was thus responsible over a considerable period for the Register as we now possess it, and this probably accounts for its exceptionally tidy and uniform appearance, the order of the council quoted above implies most clearly that the compilation must have been done from day to day, and therefore no. 4, like no. 3, really falls into line with the rest of the Registers, rather than with the fair copies.

What then were the rest of the Registers, the so-called rough copies ? Normally they constituted the real Privy Council

<sup>1</sup> No. 3 is nearly all in the same handwriting, but it deteriorates very much in neatness as the volume progresses. No. 4 is mainly the work of two clerks of the council, William Thomas and Bernard Hampton : Thomas wrote almost all the Register to 24 September 1551 and Hampton continued it from that date.

<sup>2</sup> Compare an order for the enlargement of Mr. Stanhope and others which has to be crossed through so that a contradictory order for their safe-keeping may be entered on the following day (Privy Council Register, no. 3, pp. 92-3 ; Dasent, ii. 393-4). Also when Hampton accompanied Sir Philip Hoby to Flanders, the period of his absence (about four weeks) coincides almost exactly with a change in the handwriting in the Register (*ibid.* no. 4, pp. 485-514) ; therefore the entries must have been made pretty punctually.

<sup>3</sup> Dasent, iii. 4, 20 April 1550.

<sup>4</sup> See n. 1 above ; there is no other instance recorded of a clerk's being specially detailed for this task.

Register ; the clerks' rough notes taken in the council chamber<sup>1</sup> and the letters that the council dispatched, the recognizances, the appearances, and other miscellaneous matters were entered in a book from day to day,<sup>2</sup> and these books were, with a few exceptions, bound books and not merely quires of paper which were to be bound up later.<sup>3</sup> These are the so-called rough copies, the present Privy Council Register. If one looks through the whole series of volumes, leaving on one side the four already classified as fair copies, together with nos. 6 and 9 which will be dealt with later, there is apparent a clear line of development. The procedure changes, but it changes gradually and the stereotyped Register of the seventeenth century is a definite product of the so-called rough copy of the sixteenth.

In no. 1<sup>4</sup> Paget started with every intention of keeping his Register in beautiful order, but it is almost amusing to see, in the deterioration of the handwriting, how pressure of business forced him to be content with making the entries as rapidly as possible. With the appointment of John Mason as his colleague in September 1541, Paget relinquished the task of entering the rough notes into the Register, and Mason carried on the work with moderate tidiness. The next volume (which has found its way to the British Museum) is of the same type, but sometimes the recognizances have the original signatures,<sup>5</sup> and occasionally an order is certified by the actual signatures of members of the council ;<sup>6</sup> with the coming of the regency this certification becomes for a time regular,<sup>7</sup> but towards the end of 1547 it gradually ceased to be practised except in the case of especially important letters and orders. For example, the lords' original signatures follow the order in regard to the execution of Lord

<sup>1</sup> Quite a large number of these rough notes are preserved among the State Papers, Domestic, most of them taken by Edward Nicholas, e.g. State Papers, Domestic, Chas. I, ccxliii. 17, 6 January 1637.

<sup>2</sup> Sometimes to save time and labour the original document was inserted bodily in the Register instead of being copied into it, e.g. Privy Council Register, nos. 12 and 13 *passim*. Sometimes the clerk forgot either to insert the original or to copy it in, e.g. no. 12, p. 447 (Dasent, xi. 96).

<sup>3</sup> See *ante*, xxx. 699–703. To the evidence there given may be added that of the volume of the Register in the British Museum (Add. MS. 5476), which is one of this series of rough copies and ends with the death of Henry VIII so that a new Register might be begun with the new reign ; but as the volume was only half full a later clerk used part of the blank half as a letter-book. This could not have happened if the entries had not been made in a bound book. Some of the earlier rough copies, however, were probably written on separate quires of paper and bound up later.

<sup>4</sup> 10 August 1540 to 22 July 1543, printed partly in Nicolas, vol. vii, and partly in Dasent, vol. i.

<sup>5</sup> Add. MS. 5476, fo. 271 (1 August 1546), fo. 217 (27 May 1546), fo. 218 b (29 May 1546) ; Dasent, i. 431–3, 502–3.

<sup>6</sup> e.g. Add. MS. 5476, fo. 216 (27 August 1546) ; Dasent, i. 430.

<sup>7</sup> See Privy Council Register, no. 2 *passim* (printed in Dasent, vol. ii).

Seymour (17 March 1549)<sup>1</sup> and every letter in connexion with the imprisonment and release of Bishop Gardiner (June and July 1550).<sup>2</sup> Incidentally these signatures prove that the entries in the Register were not made and signed on the spot; all the entries arising from one council meeting were written in at its close, space being left after each one for the lords' signatures, and they were then brought to the next meeting to be signed, for sometimes the space proved insufficient and the signatures overlapped the following entry.<sup>3</sup> Moreover, it is obvious there was never any intention of making a fair copy; the so-called rough copy was to be of record as the Register of the privy council, and the signatures would show who were those that had consented to the changes that were taking place. Indeed, this sudden fondness for signed orders is just what one might expect during a period of transition when the government was unstable, and the best way of securing the allegiance of its supporters was by proving their complicity in all acts that the opposing factions might be expected to regard as crimes.

The only other original signatures which appear at all frequently in the Privy Council Registers are those of the clerks certifying entries which they have made, and those attached to recognizances; the latter occur regularly in the two volumes of the Register in the British Museum<sup>4</sup> and in nos. 5 and 6 at the Record Office,<sup>5</sup> and, beyond the fact that the volumes that contain them could not be fair copies, they cannot be made to prove much, for signed are to be found next to unsigned recognizances that have obviously been copied in from the originals;<sup>6</sup> it seems to have been accident that determined at this time whether the original appeared in the Register or not.<sup>7</sup>

By the time Register no. 12 is reached,<sup>8</sup> we are on the way to the later stereotyped form; on 3 January 1579 the clerks

<sup>1</sup> Privy Council Register, no. 2, p. 495; Dasent, ii. 263.

<sup>2</sup> *Ibid.* no. 4, pp. 47-91; Dasent, iii. 42-88.

<sup>3</sup> *Ibid.* no. 2, p. 167; Dasent, ii. 92.

<sup>4</sup> 10 May 1545 to 26 January 1547 and 20 November 1558 to 30 April 1559.

<sup>5</sup> 16 July 1553 to 3 November 1553 and 29 May 1555 to 2 August 1557.

<sup>6</sup> Cf. Dasent, i. 430-3.

<sup>7</sup> Dasent is quite wrong in supposing (vol. ii, introd., p. vii) that the torn portion of pp. 189-90 in no. 2 of the Register contained Southampton's signature to his recognizance; the part torn away is from the middle of the recognizance and not from the end where the signature would naturally be. What was probably wanted by the man who mutilated the Register were the original signatures to the council warrant on the other side of the leaf.

<sup>8</sup> 26 July 1557 to 29 April 1580. No. 5 is either of the rough copy type or a bundle of clerk's notes; I have not seen it, as there is only a transcript at the Record Office, the original being at Hatfield. Nos. 7, 8, 10, and 11 are fair copies, and nos. 6 and 9 are mere collections of fragments, so that no. 12 is the next one of the series that has survived.

had arranged among themselves their order of waiting,<sup>1</sup> though if one may assume that the clerk who writes the Register was one of those in attendance—and this seems fairly certain—the rotation arranged in 1579 had broken down completely by the beginning of 1582.<sup>2</sup> Still, the idea of some sort of rotation seems to have persisted, and by the time we reach Register no. 16 (15 May 1589 to 6 April 1590) it is possible to distinguish a predominant handwriting in each month; by 1592–3 a rather unsystematic rotation of clerks and consequently of handwritings in the Register seems to have become pretty well established, though the routine of attendance is not clear and set until the seventeenth century.<sup>3</sup> Gradually also the clerks had been ceasing to write the Registers themselves. The last clerk who wrote any great portion of a Register and whose hand can be identified with any certainty is Bernard Hampton in the Privy Council Register for 1553.<sup>4</sup> Robert Beale's handwriting appears occasionally,<sup>5</sup> so also does William Waad's,<sup>6</sup> but the main work of copying in the various entries was done by the clerk's secretary, though almost to the end of the century it is not uncommon to find that the clerk himself enters the names of those who had been present at the meeting of the council and then leaves his secretary to copy in the letters and orders.<sup>7</sup> The handwriting of each of these subordinates appears only during the months of his master's attendance. But even under these conditions the Registers are in no sense fair copies, they were compiled from day to day,<sup>8</sup> and, just as in the earlier so-called rough copies, original signa-

<sup>1</sup> Dasent, xi. 4–5. Compare rotation of attendance agreed upon by the clerks of the signet in 1557 (State Papers, Domestic, Mary, x. 7).

<sup>2</sup> On 3 February 1582 Robert Beale states that he was in attendance (Dasent, xiii. 324), and this should have been the month of Edmund Tremaine and Henry Cheke, but Tremaine had seemingly retired to Devonshire and Cheke had probably gone to his post as secretary of the council of the north; Beale's writing appears in August 1580, when Wilkes and Cheke ought to have been in attendance (Privy Council Register, no. 13, pp. 111, 116), and again in September and October of the same year, when it was really the turn of Tremaine and Cheke (Privy Council Register, no. 13, pp. 184, 223).

<sup>3</sup> See *ante*, xxx. 702–3.

<sup>4</sup> Register, no. 4.

<sup>5</sup> e.g. in nos. 13 and 14.

<sup>6</sup> e.g. in nos. 14–19. Dasent is almost certainly wrong in reading Waad's signature 'W. J. Waad' (e.g. Dasent, xvii. 150, 183); he was simply William Waad and the supposed J is merely a flourish.

<sup>7</sup> Beale does this frequently in Register nos. 13 and 14; Waad and Daniel Rogers in nos. 16 (e.g. pp. 132, 273) and 17 (e.g. pp. 621, 901). This is really just what might be expected: the clerk would jot down the attendances from memory, and leave his secretary to do the more formal work. In the seventeenth century Edward Nicholas put down the attendances in a little note-book, and these were later copied into the Register; several of these note-books survive among the state papers, e.g. State Papers, Domestic, Chas. I, ccclxiii. 18; ccclxvii. 19.

<sup>8</sup> The clerks were naturally inclined to get lax about this, and there is an order of 31 October 1631 in which the council directs that no orders are to be left unentered by the clerks at the end of their period of waiting (Register, no. 41, p. 218).

tures are occasionally met with ; on 8 October 1589, for instance, an order relating to private suitors at the council board is followed in the Register by the signatures of eight of the council,<sup>1</sup> and in June 1615 three petitions are entered in the Register and signed by the petitioners ;<sup>2</sup> but, in general, the procedure has become stereotyped, and from this time down to 1645 we have a series of Registers, re-bound certainly, but otherwise very much in the form in which they were originally compiled<sup>3</sup> and claiming descent not from the exotic fair copy, but from the normal rough one whose development we have been able to trace during the latter half of the sixteenth century.

There remain to be discussed nos. 6 and 9. It seems probable that these two volumes were not bound books when the entries were made, but that they consist merely of bundles of clerk's notes. The first twenty-eight pages of no. 6 are obviously the surviving notes of a few only of the council meetings during July and August 1553, and on p. 28 is the original docket endorsed on the back of the covering page when the notes were folded and laid away. The confusion into which this volume had fallen when it was re-bound in the nineteenth century, the constant occurrence of blank pages, and the frequency with which notes and remarks are made upside down on pages that have already been partly used the right way up<sup>4</sup> confirm the suspicion that this volume is largely made up of the original bundles of clerk's notes. Whether the clerk made a rough copy

<sup>1</sup> Dasent, xviii. 181-3.

<sup>2</sup> 8 June 1615 ; Privy Council Register, no. 28, pp. 3-5.

<sup>3</sup> There can be little doubt that from 1582, and probably from much earlier, the entries were made in books which correspond fairly closely with those we now possess, though most of them were later re-bound (see above, p. 417, n. 3, and *ante*, xxx. 699-701). Dasent holds that Register no. 13 consists of three separate bundles of manuscripts (Dasent, xii, introd., p. vii), but it is really one volume with a little bundle of pages (pp. 189-220) inserted in the middle. These odd pages were probably introduced because the Register stayed in London when the privy council was meeting at Richmond, and the notes of these meetings were bodily inserted. Dasent also finds it impossible to arrange the last few pages of the volume chronologically, and so considers that the clerks were casual in their methods of making entries ; but there is no real difficulty, the pages have simply been transposed in re-binding and should run as follows : 676, 691-2, 681-2, 677-80, 685-8, 683-4, 693-712, 689-90 (these are the page numbers of the manuscript Register, not of the printed version). This rearrangement not only gives the entries chronologically, but also puts together entries in the same handwriting. There are also two lists of Privy Council Registers—one made soon after the fire in 1618 and the other in 1636 (Register, no. 30, p. 86, and State Papers, Domestic, Chas. I, cccxii. 21)—which offer confirmatory evidence that the Registers have not changed very much. We now possess several more Registers than were in the council chamber either in 1618 or in 1636, but those that they had were, with three exceptions, identical with the corresponding volumes now at the Record Office ; the exceptions were : (a) the present no. 12 was split into three volumes, the points of division being 29 June 1578 and 13 March 1580 ; these are still marked by blank and dirty pages. (b) The present no. 13 was split into two at 14 April 1581. (c) The present nos. 34 and 35 were bound up together.

<sup>4</sup> e.g. Register, no. 6, pp. 90, 92, 94, 96, 102, 420, 422, 436.

at all before the construction of the fair one, it is impossible to say ; if he did so, it has been lost.

Register no. 9 is also a collection of fragments, though this time not all of the same type. Here again one meets with the casual notes written in upside down and with the frequent blank pages, while some of the leaves show clear signs of having been folded laterally, that is, with the folds running from side to side, which is impossible in a bound book.<sup>1</sup> The last two sections<sup>2</sup> of the volume seem, however, to be different ; they consist of two little books, the first nearly all in the same handwriting, the second entirely in the same hand as predominates in the first. Each little book is prefaced by a blank page, and on the first is written 'Register begonne at Wyndesore the XI<sup>th</sup> of Auguste 1565 and ending the Last of December Anno Septimo Eliz.' ; the second is headed 'Register begonne at Westm<sup>r</sup> the VIII of october Anno octavo et 9<sup>o</sup> sereniss. dñe Elizabeth Regine. 1566.' The make and size of the paper used in the second of these little books differ from that of the first, and they both differ in these respects from the rest of the volume. They look indeed very much as though they were fragments similar in type to the normal rough copy ; they are really exactly parallel to the newly discovered fragment in the Lansdowne manuscripts and may be all that is left of the several volumes of the rough copy that probably covered the period 1559-70 and are now lost.

Finally, there was another type of volume which was closely associated with the Privy Council Registers : this was the clerk's letter-book. It would be quite impossible to say how usual it was for one of the clerks to keep a special letter-book, but probably it was the exception rather than the rule and all those of which we have any knowledge come in the very early days of the Privy Council Register ; and this is quite natural, for, by the end of Mary's reign and the beginning of that of Elizabeth, the Registers were becoming very largely letter-books themselves<sup>3</sup> —the result partly of the steady increase in more or less routine business and the stereotyping of procedure, partly of the greater use the council were making of local officials throughout the country for the purposes of executive action. Instead of spending time themselves in adjusting every petty difficulty that arose, they preferred to order a letter to be written, referring the matter

<sup>1</sup> e.g. Register, no. 9, pp. 68-71, 72-93, 112 ; p. 112 still has the original endorsement on the bottom quarter '1565 xv July Acte in Council', and the back of the second quarter of p. 93 is still covered with the dirt that settled there when the leaf was folded latitudinally into four.

<sup>2</sup> Register, no. 9, pp. 214-301, 302-47 (11 August-31 December 1565 and 9 October 1566-3 May 1567).

<sup>3</sup> Dasent's statement that this predominance of letters over proceedings appears first in Register no. 16 (1589-90) is not borne out by the facts (Dasent, xix, introd., p. viii) ; the change was not a sudden one but a gradual development.

to the relevant authority for settlement: paternal tyranny was giving way to bureaucracy.

The only letter-book that has survived is one that occupies the second half of the Privy Council Register in the British Museum.<sup>1</sup> It runs from 6 February to 13 June 1547, and contains many letters to which no reference is made in the contemporary Register, probably because they were not considered to be of sufficient importance. Even where the Register mentions a letter that is to be found in the letter-book, the two entries are not the same; unlike later Registers, those of the early period give merely the gist of the letter, while the letter-book gives it in full.<sup>2</sup> There are also rather dubious indications of two other letter-books which are now lost. Starkey, in Harl. MS. 352, gives extracts running from 18 June 1547 to 1 July 1548 from what may be another letter-book, as they cannot have been taken from the Council Register, which does not contain them. And secondly, in Register no. 4, there is an entry 'A lettre to Sir Morice Denys . . . the copie of which lettre appeareth in the booke of the first entreys';<sup>3</sup> possibly this refers to another letter-book—it can hardly refer to a lost rough copy as Dasent believes.<sup>4</sup>

We now know enough to describe in a general way the procedure followed in compiling the Privy Council Register. The clerk in attendance first of all took his rough notes in the council chamber; these were usually copied into a bound Register along with any letters that were being sent out by order of the council; here also were entered the appearances of persons under bond and, in the early days, copies of recognizances, though occasionally the originals appeared instead. All this was at first done by the clerks themselves, but they soon became much too busy and important personages for mere routine work, and employed secretaries to do it for them. Occasionally a letter-book was kept of the letters dispatched, but soon the changed nature of the Register rendered this superfluous. Occasionally also in those early times when procedure was less formal, a fair copy was made. As time went on the council itself issued orders transforming the customs of the office into strict regulations<sup>5</sup> and, by the close of the reign of Charles I, the Register had lost all its eloquent variety.

E. R. ADAIR.

<sup>1</sup> Add. MS. 5476 (10 May 1545 to 26 Jan. 1547).

<sup>2</sup> Among the letters in this letter-book there is one signed recognizance (fos. 333-4), but it is in a hand not found elsewhere in the book and looks as though it had strayed in by accident.

<sup>3</sup> Dasent, iii. 115.

<sup>4</sup> See *ante*, xxx. 702-4.

<sup>5</sup> *Ibid.* introd., p. vi.

*Robert Aylett and Richard Argall*

IN his review of volume i<sup>1</sup> of *Alumni Cantabrigienses* (part i) Mr. Davis observes that the editors have failed to unravel the literary problem raised by 'the identity of the supposed poet Richard Argall', though it is solved by the evidence supplied by Dr. Grosart in the *Dictionary of National Biography*. Robert Aylett was a man of some note in Essex, and in 1906 I dealt with his career in *Essex Archaeological Transactions* (x. 26-34). The Argall family were, in his time, connected with that county, as I have shown in the same volume (pp. 308-9).

Robert Aylett acted as bishop's commissary to King (1611-21) and afterwards to Laud, and judge of the commissary court in Essex, and seems to have resided at Feeringbury, a quaint old house belonging to the see, near Kelvedon and the Coggeshalls, on the road from Colchester to London. His father lived at Rivenhall, his brother at Braxted, and he himself was buried at Great Braxted church, where the monument to his memory shows that he died in 1655 (15 March '1654') in his seventy-third year. With his cousin, Sir John Lambe, dean of the Arches, he was sworn a member of the court of high commission, early in 1629, and they were both denounced by the commons, on the complaint of Bastwick, the Colchester puritan, twelve years later. Aylett reported to Laud on the Essex lecturers in June 1632, and was a strenuous supporter of Laud's measures as archbishop. He contrived, however, to be appointed master of the faculties, on Laud's recommendation, in December 1642, and even performed, in 1646, by direction of 'the Lords in Parliament assembled', the episcopal function of institution and induction in Essex.

He must, therefore, have been acquainted with Richard Argall, which 'very shadowy personage'<sup>2</sup> was successively appointed to the small family living of Snoreham in 1639, to that of Rivenhall, by Sir William Wiseman (whose relative, Penelope Wiseman, was one of his wives), in 1662 (on St. Bartholomew's day), and, finally, to that of Roding Aythorp. He was holding all three of these Essex livings at his death, in 1670, when fresh rectors were appointed to them.<sup>3</sup>

I make out, from the Heralds' Visitations of Essex, that Richard Argall was second son of the John Argall who bought, in 1608, from the heirs of Dr. Gilbert, the well-known pioneer of electrical science, a house in Trinity Parish, Colchester, known

<sup>1</sup> *Ante*, xxxviii. 132-4. I have not yet seen this work, being confined to the house by illness.

<sup>2</sup> *Dict. of Nat. Biog.* ii. 78.

<sup>3</sup> Newcourt's *Repertorium*, ii. 494, 504, 533.

as 'Tymperlys', which had been Gilbert's residence. Richard and his eldest brother, Thomas, were both connected with Great Baddow (Essex), and were Royalist in sympathy.

J. H. ROUND.

*The Caroline Visitations of Hereford Cathedral Church*

I HAVE recently discovered, in the Hereford Chapter Archives, a letter of Archbishop Laud to the dean and chapter dealing with their persistent resistance to visitation by the bishop. In earlier days, of course, most cathedral chapters had claimed freedom from episcopal control. As the chapter of Chartres proudly boasted to that of Le Mans, 'Minimus ecclesiae nostrae canonicus, ab episcopali iurisdictione liber et immunis, ipsi capitulo prout suo domino stabit aut cadet'. At York in 1328 Archbishop Melton was even prevented by force from holding a visitation. But one by one the chapters were defeated. Grosse-teste had reduced the canons of Lincoln to obedience as early as 1246. The chapter of Wells yielded in 1338; that of Salisbury in 1393. Hereford alone held out for centuries, pleading special privileges granted by Innocent IV and Gregory X. Bulls were obtained, by Bishop Orleton from John XXII, and by Spofford from Martin V, brushing aside these pleas; but neither of these bishops actually exercised the powers thus conferred. Again and again, in later times, the attempts at visitation were successfully resisted, until Caroline days.

In March 1634 Augustine Lindsell was translated from Peterborough to Hereford. At once (possibly at the instigation of the archbishop) he announced his intention of including the chapter in his primary visitation. This being resisted by the dean and canons, Lindsell appealed to the archbishop, who wrote to the dean the letter printed below.

On 6 October the bishop issued his citation to the dean and chapter, and on 29 October held the visitation, the dean and prebendaries appearing and taking the oath of obedience (though seven absented themselves and were pronounced contumacious). After exhibiting articles of visitation, the bishop adjourned the visitation until 10 November, when they were to present their answers. But on 6 November Lindsell died. His successor, Matthew Wren, was only bishop of Hereford for a few months, being translated almost at once to Norwich. He held something in the nature of a visitation on 2 September 1635, and it by various adjournments lasted until 31 October; but the majority, both of the prebendaries and of the vicars choral, absented themselves. On 15 December Theophilus Field

was translated to Hereford from St. Davids. He obtained from the archbishop a commission to visit the dean and chapter, not as their ordinary, but as representing the archbishop in a 'metropolitan visitation'. The commission is dated 27 May 1636; but Bishop Field died on 2 June. In the troublous times that followed, nothing more is heard of the dispute; but after the restoration, on 5 July 1677, Bishop Croft held at last a visitation of the dean and chapter of Hereford without protest or objection.

A. T. BANNISTER.

To my very loving friends the Deane and Chapter of the Cathedrall Church of Hereford, these.

Dilecti in Christo,

After my very heartie commendacons etc. These are to let you knowe that my Lord the Bishop of Hereford hath found himself like to be ill used by you concerning his visitacon, which it seemes you meane to protest against if he proceed to visite. Hereupon, to prevent further unseemely dispute and cavill about it in the countrey, to the disgrace both of him and yourselves, he thought fitt by mee to peticon his Ma<sup>tie</sup>, and to lay your pretencons before him. This I have done accordingly. And his Ma<sup>tie</sup> hath commanded to write unto you as followeth: firstly his Ma<sup>tie</sup> is resolved noe Deane and Chapter in the kingdome shall upon any pretences be exempt from the Trienniall Visitacon of their Ordinary as ordinary, and therefore not you: Secondly that he hath seene a Breviate of all pretences, and commanded mee to tell you plainly that he finds cause enough to suspect the partialitie of your Register in many particulars conserning your exempcon, and that all which you pleade from the graunt of any pope is utterly void by the law of the land, unless his Ma<sup>tie</sup> give his consent unto it, which he neither hath done nor ever will doe. That which you pleade out of your Statutes That all prebends shall make their answeares for all things conserning that Church etc. *decano et non alteri*, his Majestie holds to be frivolous. For suppose his Ma<sup>tie</sup> visit by deputacon, the prebends shall answeare to his deputie, and yet that is *alteri*; and they shall answeare to the Archbishop visiting Metropolitically by himself or his Vicar generall, and that is *alteri*. Neither of these causes are excepted by your Statutes, and yet neither of them are breaches upon it. Therefore *alteri* in your Statutes is against any collaterall and intruding authoritie and not against ordinary and Superior. Or if it be against Superior, it was only then in force when perhaps you had certain Papal exempcons which now are taken away by the law, and shall neither be preserved nor restored by his Ma<sup>tie</sup>, which frees you from all obligacon of your Oath and Statute, as well in that particular as in divers others which you dayly practise. Thirdly, if the prebends shall answeare to none but *decano*, to whom shall the Deane himself answeare? shall he abuse the Church and suffer it to be abused as he please, and have noe Visitor? These are therefore by his Ma<sup>ties</sup> expresse direcons to will and command you, the Deane and prebends of Hereford, and every of you, to admit of your Bishops visitacon, and to

acknowledge him your Ordinary and Visitor by law, both now and in all other his Triennials, and soe likewise of his Successors after him, as you and every of you will answeare it to his Ma<sup>tie</sup> at your utmost perills. And that you register these letters that they remaine to Succession as a rule and direccon in this case, that there may arise not further disputes. Thus not doubting but you will yeld all obedience to his Ma<sup>ties</sup> direccon and commaund by mee delivered, I leave you to the Grace of God, and rest

Your loving Friend

W. CANT.

From Croyden.  
September 22<sup>th</sup>  
1634.

## Reviews of Books

*Der Judikationsbefehl der Römischen Prozesse ; mit Beiträgen zur Scheidung des Privaten und Öffentlichen Rechtes.* Von MORIZ WLASSAK. (Vienna : Sitzungsberichte der Wiener Akademie, vol. 197, 4, 1921.)

THIS important treatise of 311 pages is intended for the lawyer rather than the historian ; but the development of legal procedure at Rome possesses so much historical interest that the book will appeal to others besides professional jurists. It deals with a moment in the Roman civil process—the magisterial *iussum iudicandi*—the significance of which has not always been clearly recognized. This act of the magistrate, which he performs in virtue of his *imperium*, thereby imposing upon the *iudex* a *munus* incumbent upon every qualified citizen, was the link which bound together the two stages of the suit—proceedings *in iure* and proceedings *in iudicio*, to use the familiar distinction ; and it is of importance to Dr. Wlassak to insist strongly upon this, since it is in keeping with his theory that though the *formula* is ‘given’ by the praetor and ‘accepted’ by the parties, the authority of the state is not invoked except for the purpose of securing a decision on the issue raised by and between the parties themselves by means of the appointment of a *iudex*. Thus this account of the *iussum iudicandi* sets the coping-stone on the edifice raised by Dr. Wlassak in his previous works, and though he has no occasion to reopen the main question, there are not wanting controversial passages in which the arguments of his opponents are dealt with and sidelights thrown on the main theory, e.g. on p. 51, where we are told that *iudices privati* were so called, ‘not because they judged private suits, which would apply equally to the *centumviri*, but because the legal act which determined their position was performed by the parties to the suit and they could obviously not turn one of their fellow citizens into an official of the State’. The book is, moreover, as full of matter on a number of topics as an egg is full of meat ; it is, like Wlassak’s other works, somewhat difficult reading, but it will be found to repay study. Students of the extant laws—particularly the municipal laws, such as the Lex Rubria and the Lex Ursonensis—will do well to take note of Wlassak’s treatment, *inter alia*, of cap. 20 of the former and cap. 95 of the latter law (where, by the way, the author might have consulted Dr. Hardy’s work with advantage). There is an interesting, but not quite convincing, reply to Girard in support of the view that, of the two *leges Iuliae* by which (as we are told in a well-known passage of Gaius) the *legis actiones* were abolished, one was a *lex municipalis*.

It goes without saying that Dr. Wlassak gives many new and ingenious interpretations of difficult passages in the Digest. When, however, it is

necessary to assume interpolation by the compilers in order to extract the original sense of an excerpt, it is evident that a wide field for speculation is opened. In Dig. 5. 1. 74. 1, for example (from Julianus) we read: 'iudex qui usque ad certam summam iudicare iussus est, etiam de re maiori iudicare potest, si inter litigatores conveniat.' Here Wlassak argues at length that *iudex* has displaced the title of a *municipal* magistrate, and that we have no case of the ordinary *iussum iudicandi*, but a provision of the municipal law (such as we find in the Lex Rubria). This seems a forced interpretation. There is an interesting discussion of the extract from Ulpian's work *de officio consulis* in Dig. 42. 1. 15 concerning the execution of judgements, and especially of the constitution of Severus and Caracalla by which a judgement delivered in Rome might be executed by the *praesides provinciarum, si hoc iussi fuerint*. Whether or no this rescript empowered the praetor to issue commands to a proconsul, it is difficult to regard it with Wlassak as evidence for the practice of the republican and early imperial period. Wlassak confesses that much remains obscure, 'especially the question of the legal basis upon which the duty imposed on the provincial governor of obeying the city praetor (without regard to their relative rank) rests.'

The correlative of *iudicare iubere* is of course *iudicare vetare*, and this is also fully discussed. Historians may note a discussion of the basis of *intercessio* (p. 204, 19) and its relation to the exercise of the *maior potestas*. There is perhaps not sufficient recognition of the importance of the tribune's intervention in private suits (as in Cic. *Tull.* 16. 38).

H. STUART JONES.

*History of the Later Roman Empire, from the Death of Theodosius I to the Death of Justinian* (A. D. 395-565). 2 vols. By J. B. BURY. (London: Macmillan, 1923.)

THIS work, eagerly awaited by many students of medieval history, will not disappoint expectations. A good many of the results of Professor Bury's researches in this wide field had been published in his notes to Gibbon's *Decline and Fall*, and the first portion of the work, treating of the later empire from Arcadius to Irene, coincides in part with an earlier book of the author now out of print. The great increase of available knowledge of the whole period certainly justified the production of a new book. We already had Hodgkin's *Italy and her Invaders* and Diehl's *Justinian*, besides the works of Duchesne and other ecclesiastical historians and of writers on special topics. Dr. Bury has been in literary and friendly contact with the scholars who have thrown light on various parts of his subject, and his book embodies the conclusions of the best investigators with full references to sources and discussions of doubtful points.

The whole period, we may say, bristles with difficulties, due to the bias and acrimony of our informants, the vagueness of geographical or topographical descriptions, and often the enigmatic character of the principal actors on the stage. Dr. Bury has shirked no controversies, nor contented himself with nebulous results. In consequence, we have here not only a storehouse of material, but an eminently readable book. Along with

careful examination of general causes, he gives us pieces of picturesque narrative (translated from original sources), and a great many suggestive remarks both as to the objects or policies of individuals and the changes in ideas and culture.

The first volume begins with an account of the constitution of the monarchy, followed by one on the administrative machinery of which the section on compulsory social organization is important, especially the fact that 'the policy of uniform taxation, which Diocletian introduced, led to the strict control of local bodies by the Imperial Government'. From the administrative (including the ecclesiastical) organization, we pass to a description of Constantinople. Thence to the 'Neighbours of the Empire', especially Persians, Germans, and Huns. An attempt is made to estimate approximately the numbers of the barbarians who overran the empire. The general results would be in agreement with that of those who give the smaller figures. 'The facts we know about the Vandalic and Ostrogothic wars in the sixth century, as related by Procopius, consistently point to the conclusion that the fighting forces of the Vandals and Ostrogoths were to be counted by tens, not by hundreds of thousands.' To this point the author recurs later on (ch. ix, § 7), in considering certain modern views on the collapse of the empire. These have been mainly three; that the fall was due to depopulation, to the Christian religion, and to the fiscal system; and they are all put out of court. 'There is no evidence that the empire was less populous in the fourth and fifth centuries than in the first.' Christianity had not a disintegrating force, at least in the west, after the defeat of Arianism,

and the effect of Christianity was to unite, not to sever, to check rather than to emphasize national or sectional feeling . . . nor is there the least reason to suppose that Christian teaching had the practical effect of making men less loyal to the Empire or less ready to defend it. . . . Some might read Augustine's *City of God* with edification, but probably very few interpreted its theory with such strict practical logic as to be indifferent for the safety of the Empire.

(This opinion seems to be contrary to that expressed by the late Dr. Seeck.) 'The gradual collapse of the Roman power in this section of the empire was the consequence of a series of contingent events. No general causes can be assigned that made it inevitable.' The events were: (1) the irruption of the Huns into Europe—leading to (2) the Visigothic movement, and (3) the (accidental) defeat of Valens, (4) the settlement of the Foederati by Theodosius, (5) the lack of a strong successor to Theodosius, and (6) the practice of elevating Germans to high positions in the army.

Stilicho did not intend to be a traitor, but his policy was as calamitous as if he had planned deliberate treachery. That Rome could not dispense with the help of barbarians for her wars may be held to be the cause of her calamities, but it was a weakness which might have continued to be far short of fatal but for the sequence of contingencies pointed out above.

With regard to the Huns, Dr. Bury remarks that they showed more readiness than is commonly supposed in adapting themselves to the ways of more civilized peoples, were, in fact, till the process was checked, on the highway to Teutonization. The Unogundur Huns came to be the founders of Bulgaria.

Dr. Bury notes the fact that, after 396, Arcadius and Honorius never assumed the consulship together: which points to bad relations between the two courts. He never uses the terms eastern and western empire, which would, of course, express a separation never supposed to exist, even during the reigns of Odovacar and of Theodoric in Italy. 'From the constitutional point of view, Odovacar was the successor of Ricimer (*Patrician*) and the situation created by the events of 476 was in this respect similar to the situation in the intervals between the reigns of the Emperors set up by Ricimer.'

The position of Theodoric during his rule in Italy is shown to have been that of a deputy. He does not issue *leges*, but *edicta* like those issued by the praetorian praefect, nor did he (except in one doubtful case) stamp his head on a coin. It was from the Emperor Zeno that he held the right to nominate one of the consuls, and in appointing high officials he consulted the senate. Dr. Bury does justice to the general fairness and justice of Theodoric's rule, though he shows how it would naturally be felt as irksome by the Italians generally. The troubles of Theodoric's last years, with the accusation and death of Symmachus and Boëthius, are treated at length, and the ordinary view that Boëthius was tried and condemned by the senate is rejected.

The collapse of Ostrogothic rule in Italy, the successive sieges of Rome, the defeat of Totila at Busta Gallorum and of Teias at Mons Lactarius, and the reorganization of Italy by Narses, are narrated in the second volume, in which strict chronological sequence cannot, from the complexity of the subjects treated, be strictly observed. It may be remarked that Totila (= Baduila) is perhaps justly deprived of his character as heroic champion of a fated people.

With regard to the Persian wars of the early sixth century it is pointed out that 'the Roman armies would hardly have held their own but for the devoted loyalty and energy of the civil population of the frontier provinces . . . and they had to suffer sorely in time of war, not only from the enemy, but from their defenders'. It was for the defence of a population of this kind that Anastasius built a fortified town, near to Nisibis, which he called by his own name. In the story of the Persian war of Justinian, Dr. Bury suspects the tendency of Procopius to magnify the achievements of Belisarius. The great pestilence of 542 is to be borne in mind in its results to the population of the empire.

One dark feature of the imperial government is the intolerance of almost all rulers in matters of religious belief. It was only the 'barbarian' Theodoric who, according to Cassiodorus, held that '*religionem imperare non possumus, quia nemo cogitur ut credat inuitus*'. The closing of the Athenian schools by Justinian was not due to any special animosity to Athens, but a part of his general anti-pagan policy. The savage legislation against Hellenism was certainly not universally effective. The dispute concerning the doctrine of the Incarnation, supposed to be settled at Chalcedon, leads to permanent schisms in the east. With regard to the wretched conflict of the *Three Chapters*, Dr. Bury, following Duchesne, considers that the humiliation of Pope Vigilius was due to his failure in trying to find a *via media*. Justinian's idea of royal supremacy was at

least as pronounced as that of Henry VIII. 'The Fifth Ecumenical Council [553] differed from the four which preceded it in that, while they pronounced on issues which divided Christendom, the Fifth dealt with a question which had been artificially created.' The difference in theological attitude between the emperor and the empress is vividly shown in the story of the conversion of the Nobadae (on the Upper Nile) transcribed from a monophysite historian. Hearing that these people desired to learn about Christianity, Theodora sent a missionary imbued with monophysite ideas. Justinian meantime sent one who adhered to the council of Chalcedon. Hearing of this difficulty, Theodora wrote to the ruler of the Nobadae, disguising the difference between her and her husband, but demanding that her missionary should be heard first, else the ruler should lose his head. In consequence, the emperor's missionary was artificially delayed; the people became monophysites, and Justinian and his missionary could only recognize an accomplished fact.

This story illustrates the character and reputation of Theodora, a controversial subject which Dr. Bury treats with acumen and caution. The irregularity of her early life may be accepted, but also partly extenuated. There was evidently something of heroism about her, shown especially at the Nike riot, also apparently a readiness to assist injured women; and, in some cases, her influence in political appointments or removals was beneficial. Our view of the private character both of Justinian and of Theodora must, of course, depend on the acceptance or rejection of the *Historia Arcana* of Procopius. Dr. Bury has no doubt that it was actually written by Procopius, but accepts its statements with many limitations.

Malice need not resort to invention. . . . It can serve its purpose far more successfully by adhering to facts, misrepresenting motives, and suppressing circumstances which point to a different interpretation.

With regard to Justinian's work as administrator, Dr. Bury points out that the tendency of certain of his changes

anticipate to some extent the later system which was to come into being in the seventh century, and was characterized by large provinces, the union of civil and military administration in the same hands, and the total disappearance of the dioceses. The reforms of Justinian, which belong to the years 535 and 536, were called forth by particular circumstances. Some of them were designed to avert conflicts between the civil and military authorities.

There is an interesting examination of his financial policy; but the general efficiency of his administration is shown to have declined during his later years. In the chapter on the Code, stress is laid on the influence of the Church, especially in laws as to marriage and divorce. But where punishments seem to be excessive, we must remember that 'penalties prescribed in the law were rather directions [for the guidance of judges] than hard and fast sanctions'. A worse feature is the distinction, in awarding penalties, between different classes of freemen.

In the concluding chapter on literature, there is an investigation of the changes in the drifting away of the written from the spoken language. The best writers, like Procopius, 'could not be read except by highly educated people'. Similarly, we have in poetry the break-up of the classical

system of quantities and the greater significance of accent. A sign of this is previously observed in the 'metrical chant' of *Mandator* and *Factions* in the *Colloquy in the Hippodrome*.  
ALICE GARDNER.

*Bethada Náem n Érenn. Lives of Irish Saints.* Edited by the Rev. CHARLES PLUMMER, D.D. 2 vols. (Oxford: Clarendon Press, 1922.)

IN 1910 Dr. Plummer published the Latin Lives of Early Irish Saints under the title of *Vitae Sanctorum Hiberniae*,<sup>1</sup> with an introduction which not only contained a description of the manuscripts and of the contents and character of the *Vitae*, but also (in part v) an exhaustive account of the traces of heathen folklore and mythology which survive in these *vitae sanctorum*, and which for some readers constitute their chief value. This introduction is naturally not repeated in the present work, and there was very little which could be added to it. Hence the possession of all four volumes of Dr. Plummer's two works is necessary for the complete study of early Irish hagiology. But Dr. Plummer has written another introduction, describing with his usual accuracy and fullness the contents of the Irish lives, and the character of the manuscripts from which they are taken. Of fourteen out of the thirty-two saints whose biographies have survived in Latin, no Irish lives are known to be in existence. Eight Irish lives are omitted, either because they are literal translations of corresponding Latin *Vitae*, or because they have been previously printed. The latter reason is hardly a sufficient one, for though Dr. Plummer tells us where to find them, it would have been convenient to have had them all together in one volume. This leaves ten saints whose Irish lives have been printed in the present work.

What is the date of these Irish lives? and when were the manuscripts written? Dr. Plummer is justified in calling them, in his title-page, the 'original' manuscripts, but the epithet may mislead the unwary. Their present date is the seventeenth century. They are printed from two manuscript collections of lives of Irish saints: (1) two volumes transcribed by or for Michael O'Clery between 1620 and 1635, preserved now at Brussels, and (2) a Stowe manuscript volume, now in the library of the Royal Irish Academy at Dublin. This latter volume belongs also to the seventeenth century, having been written in 1627 by Domnall O'Duinnin for the then provincial of the Friars Minor in Ireland.

All these lives, then, in their present form and as we have them, were written in the seventeenth century; but they were certainly not composed then. They were copied from older manuscripts, which were then in existence, but which have since disappeared, and it does not seem likely that they will ever be found or seen again. What was the date of these old and now lost manuscripts? Are there any means of ascertaining it? A still more important question is, What was the date or probable date of the composition of these lives? Neither of these questions has been discussed by Dr. Plummer, and he was not bound to discuss them. They were certainly not coeval with the early saints of whom they contain the history. There are features which point to a late date, such as the

<sup>1</sup> See *ante*, xxvi. 562.

extravagant multiplication of incredible miracles, and the frequency of journeys to Rome, apart from the superhuman celerity with which most of such journeys were accomplished. But against these arguments must be balanced the fact that a belief in the continuance of miracles was early, unlimited, and widespread; and that Celtic saints were great travellers, some of them being credited with having travelled as far as Jerusalem. Yet customs, incidents, and expressions sometimes occur in these lives which point to an early date. Such, for example, is an expression which, however, is not noticed by Dr. Plummer. It occurs in the life of St. Berach. His pupil, Colman Cáel, saw Rome without having the trouble of travelling thither, and in honour of his visionary visit he erected among other things a cross dedicated to SS. Paul and Peter ('do Pol 7 do Pettar', ii. 42, § 87). This placing of St. Paul before St. Peter, though not unique in early Irish documents, is contrary to the universal habit of medieval western Christendom, and must be a survival from a very early date, before the primacy and supremacy of St. Peter had become recognized.

Irish scholars will be grateful to Dr. Plummer for making these Irish texts generally accessible, and for the glossary which accompanies them, though it seems to include some words which might be found in any Irish dictionary. English scholars will be grateful for the English translations, which few could have made for themselves, and which no person could be found more competent to make than the Celtic scholar to whom we are indebted for these two volumes.

F. E. WARREN.

*Close Rolls of the Reign of Henry III, 1247-1251.* (London: Stationery Office, 1922.)

THE rolls for these years do not contain much material of peculiar importance or significance for the general history of the time. They narrate no incident quite so full of suggestive points, for example, as the dispute to which the presentation of Ralph of Leicester to the church of Saint Michael, Coventry, gave rise in 1246.<sup>1</sup> But they are packed with interesting detail, easily traced with the aid of the elaborate index. The Crown found it advisable to exact from the dean and chapter of Cloyne, the canons of Cork, and the newly elected bishop of St. Asaph explicit recognition of the *licencia eligendi* (pp. 87, 118, 222). The canons of Cork feared that they had said a word too much in their letters patent ('timencium litteras predictas propter unius verbi appositionem nimis sibi fore damnosas'), and they craved Henry's permission to annul it. One realizes how precise official correspondence had to be by the middle of the thirteenth century. Another case suggests that it was not easy to avoid the issue by chancery of contradictory writs. A certain Cecily, wife of Elias the fisherman, procured letters of prohibition against the official of the bishop of Winchester and the parties who had brought a case *de laico feodo* against her in a court Christian; on their refusal to desist a writ of attachment was issued against them; but in the meanwhile they had secured the unfortunate Cecily's detention in the prison of Winchester *de precepto regis* as an

<sup>1</sup> *Close Rolls*, 1242-7, pp. 477-8.

excommunicate (p. 105). Letters relating to William of Valence throw some light on the extent of the liberties of the earl of Pembroke, who claimed the right to hold pleas of advowson in his court (p. 297) and to have the return of writs in Bampton, Oxfordshire (p. 518; cf. pp. 534-5). Other letters bear upon the law as expounded in the Great Charter, such as the right of a widow to get dower within forty days, and of a ward of the Crown to be excused the duty of homage to another lord of whom he holds lands until he comes of age (pp. 266, 347). We see the great council legislating in 1248 against the participation of sheriffs in extents and inquisitions into wards and escheats; these must henceforth be the concern of the escheators (p. 105).<sup>1</sup> There is an instance of a coroner of Gloucestershire who vacates his office because he has become sheriff (p. 418). Henry de Coleville fined with the king that he might hold the shires of Cambridge and Huntingdon 'tanquam custos et non ut firmarius' (pp. 323, 502). Walter de Burgh, we are told, had been 'custos domini-corum regis' (p. 29). In 1250 the sheriff of Buckingham and Bedford is ordered to pay all the arrears of his accounts without fail into the royal wardrobe (pp. 291-2). Several letters order sheriffs and others to read aloud in full county court royal charters granting privileges to religious in their areas (e. g. pp. 212, 283, 433). The barons of the exchequer are instructed to read and observe all the articles and points in a charter granted to Simon de Montfort (p. 529). An interesting example of a trial at the exchequer is given in a command to the treasurer and other barons of the exchequer to associate with themselves the justices of the Jews and of the Bench, the mayor and four citizens of London, in the trial of a Jew of Berkhamsted (p. 360). Chancery matters include the commission of the Great Seal on two occasions to the old Peter of Rivaux (entries duly noted by Professor Tout) and instances in 1250-1 of letters close issued on the instruction of the council, the steward (relating to stores for the royal household), and the barons of the exchequer. The last is a revision of a letter addressed to the barons themselves (p. 511). There are half a dozen instances of the enrolment of private deeds on the Close Rolls. C. O'Brien is informed that no action can be taken to confirm a charter of King John's 'nisi cartam illam vel ejus transcriptum sub sigillo iusticiarii nostri [i. e. of Ireland] viderimus' (p. 530). In another case the king admits that he has no recollection of a mandate which a Jew, Aaron of York, affirmed that he had made (p. 457).

Perhaps the most interesting account in this volume is the list of grievances from the barons of the communitas of Cheshire, with the royal replies (pp. 185-6). The barons begged that the justices might sit in other places than the county court. This petition was refused on the ground that the justice of Chester had not been accustomed in the days of Earl Randle to perambulate the shire. Among the personalities of these years Edward of Westminster appears to call for attention. He was a royal clerk, at one time entrusted with the seal of the exchequer, but mainly concerned with arrangements for the king's comfort and aesthetic pleasures, building, decorating, works of art, &c. As one would expect

<sup>1</sup> This case should be added to the list of legislative acts by king and council, given in Pollock and Maitland, *History of English Law*, i. 180, n. (2nd edition).

in any volume of Close Rolls, these pages contain much information on the social and artistic activities of the reign. The Master of the Temple is ordered to send to the queen a French romance, *Les Gestes d'Antioche* (p. 283); Edward of Westminster to get a piece of tapestry (*textum*) made, picturing the Annunciation (p. 292). The metal of the big bell of Westminster is to be recast into four small bells for the royal chapel at Windsor (p. 264). There is any amount of information about birds and fish for food. Lastly, two or three picturesque incidents deserve mention—the case of the unhappy clerk, imprisoned in a deep dungeon by the sheriffs of London, to whom the archbishop's official had denounced him (p. 255); of the Jew who had fined with the king for 500 marks and was presented with a demand for £500 (p. 382); and, best of all, the reference to the visit of a distinguished foreign visitor, Gautier de Chatillon, to the castle of Dover. 'Show it to him courteously (*faceto modo*),' the king wrote in November 1247 to the constable, 'so that its grandeur may be displayed, and all its defects hidden' (p. 8).

It is fortunately not necessary for the reviewer of recent volumes of the Record publications to scrutinize the index with the care required by their predecessors. I have noticed few slips. I cannot trace on p. 132 the 'bed fit for a knight'. The entry under the word Chancery 'writ of *suggestio falsi* in' seems to imply a mistranslation of the letter to the sheriff of Suffolk on p. 352.

F. M. POWICKE.

*Medieval English Nunneries, c. 1275 to 1535.* By EILEEN POWER. (Cambridge: University Press, 1922.)

MISS POWER has written a massive work of seven hundred pages on that period of English monasticism for which direct evidence is ample. It might even be called exhaustive on its own line, for the further evidence of the kind she uses, though it exists, is not likely to modify our judgement. The author is fortunate in having been given access to the unpublished portion of Mr. Hamilton Thompson's great work on the Lincoln visitations, and in receiving guidance and suggestions from Mr. Coulton and other competent scholars. Her book is an excellent cross-section of medieval life, for she works through all the relations in which English nuns stood to their contemporaries, as for instance in their agricultural affairs, whether or no there was anything in them peculiar to their sex and their vocation. Monastic finance and the causes of its weakness are duly explained, and it is rarely that Miss Power misses a point of interest. But when she finds in the Sheppey inventory at the time of the dissolution 'five country oxen and three western oxen fat', it might have been worth while to point out how advanced was an agriculture which already imported oxen from the pastoral west to be fattened in the straw-yards of Kent.

If Miss Power gains by the late date at which she starts, she also loses. To form a just impression of the whole life of a monastic community it is well to begin at the beginning. Miss Power has occasion to lay stress on certain defects in the life of nuns, and if she had begun earlier she would have been compelled to quote, as for instance from Ailred of Rievaulx, some very discreditable incidents. But she would also have had the

opportunity of explaining how it was that the many houses of women were founded on so humble a scale. That explanation can only be that the religious life was regarded in the days of enthusiasm as a militant life, and the only hardship of active service that could be expected of women was the endurance of want. The less liberal the founder, the better the opportunity, and in most cases the nunneries founded after the Conquest were never tempted by excess of wealth and often enough were degraded by poverty. This renders it doubtful how far Miss Power is right in speaking of the nuns generally as 'aristocratic', or members of families with commercial wealth. Certainly St. Gilbert of Sempringham, whose order is excluded from her survey, started with women of very modest rank, and we may assume that the aristocracy of a family was concentrated in the middle ages, as it continued to be till the eighteenth century, in the eldest son. The younger boys belonged socially to a lower rank than their elder brother, and superfluous daughters were a burden rather than a pride. Miss Power gives a good account of the dowries by which parents induced religious houses to accept them as inmates, sometimes even when they were deaf and dumb, deformed or lunatic. She also states well the nuns' share in education, which they undertook as a means of livelihood with the more or less grudging sanction of their visitors the bishops, and gives an entertaining account of their difficulties with paying guests. But these were minor resources, which helped them to eke out a difficult subsistence. What their sources of income were is fully stated, but not always with sufficient regard to the general organization of the church. The nunneries held many appropriated benefices, each of which had a glebe, large part of which would belong to the rectory. But Miss Power, in her list of the types of property, omits this glebe, which would doubtless be let at a rental. And in her account of the relation of the vicar to the appropriating house she attaches too much importance, as evidences of impoverishment of the working clergy, to small pensions paid them out of the great tithe by the appropriator. One of the livings she cites was quite a good one, adequately furnished with a due proportion of tithe and glebe, and the pension of £2 paid by the minoresses to the vicar was so far from an evidence of his poverty that we may even wonder what special circumstances induced them to bestow it. But all this side of the subject is common ground to the religions of both sexes, and it is hardly just to criticize the author on such points as this, or for a not quite accurate statement of the relation of the Cistercians to tithe. But she might have borne in mind that exaggeration is normal in the age with which she deals, and descriptions of poverty at such times as when petition was made to appropriate a rectory cannot be taken literally. Allowance must be made for common form. One cause of poverty Miss Power cites in a manner which is hardly just to founders and their heirs. The right of nominating to corrodies was probably not an encroachment but a privilege reserved from the first, and was as little a hardship as the renewal of charters on which successive kings insisted in the case of the greater abbeys. It was a quite just form of taxation. There is one cause of financial difficulty which has been overlooked. Do we ever hear of a monastery with a reserve fund to meet emergencies, unless we regard its plate as serving that purpose?

Miss Power, who is not blind to the merits of the nunneries on their better side, is candid about the worse, some aspects of which demand a very tactful treatment. On one point she gives some scattered evidence without drawing the inference. Monks, we know, had a regular system of rotation for their attendance in church, so that a respectable minimum was present at each service. There are several hints in Miss Power's collection that the same was the case with nuns. At Romsey and St. Mary's, Winchester, there seem to have been choirs of four, a number not unknown in male choirs.

There are many curious points, such as the claim of certain nunneries to prove wills, which cannot as yet be explained. But leaving the multitude of accurate details which Miss Power gives, and congratulating her on her evident accuracy, we must inquire whether there be less obvious sources of information than those she has explored so diligently, and yet sources from which truth might be extracted by processes more delicate than those in which she is expert. For instance, the copious works of Rolle of Hampole were written by a mystic who lived in close contact with nuns who provided his sustenance. Hampole, as Miss Power shows, was a house which sometimes had difficulties of a mundane kind, and it is possible that its inmates maintained their hermit as a creditable appendage, without sharing or understanding his devotion. But it is equally possible that a sympathetic psychological study of his writings might show that in some measure they responded to such feelings as would be natural to earnest religious women, and were, as might be expected from the vicinity, inspired by their inquiries and suggestions.

Miss Power appends to her work some quite relevant studies of points of social and literary interest which yet are not altogether germane to history. Interesting as they are, we may leave it to those who are conversant with such themes to appraise their merits, aesthetic and other. But we must thank her for a conscientious and spirited exploration of many sides of a very important problem.

E. W. WATSON.

*Le Royaume de Catherine de Médicis : La France à la Veille des Guerres de Religion.* Two vols. Par LUCIEN ROMIER. (Paris : Perrin, 1922.)

*La Conjuration d'Amboise.* Par LUCIEN ROMIER. (Paris : Perrin, 1923.)

*Catherine de Médicis.* Two vols. By PAUL VAN DYKE. (New York : Scribner, 1922.)

*La Conjuration d'Amboise et Genève.* Par HENRI NAEF. (Geneva : Jullien, 1922.)

M. ROMIER holds that historians of the French wars of religion have never freed themselves from the method of Thuanus, and that they continue to interpret the documents by contemporary narratives, instead of testing the narratives by the documents. There is a catholic history and a protestant history, but both are vitiated by partiality and by 'le morbus épisodique', while the general conditions on which incidents depend are neglected or ignored. He surely exaggerates when he says that the question whether there was not a struggle between France and Spain dominating the intrigues of princes has not occupied historians. In England certainly

Seeley and many others have made it the very basis of their work. To say again that the proclamation of liberty of conscience in 1560 is forgotten, and that the evils caused to Christendom and specially to France by the suspension of the council of Trent are ignored, is at least extreme. He sets out to restudy the sources and to reclassify the facts, and future students will find very valuable his remarks on the degree of trustworthiness and the kind of information to be sought in the dispatches of various ambassadors, particularly those of Ferrara, Mantua, and Savoy. His own familiarity with Italian archives, which made his last book<sup>1</sup> so original, has not as yet yielded equally rich results in this. He thinks that in the nineteenth century the history of the wars of religion has been written 'en un sens réformé ou semi-réformé', and that a comprehensive view can only be obtained if the historian keeps constantly in sight the royal interest which alone gives unity to the facts. 'To establish exactly what the royal interest was, how it was understood and safeguarded in face of internal forces and foreign powers, what help it received and what injuries it sustained from men and things in the period from 1559 to 1574, is, in the present condition of the sources and bibliography, the most pressing duty of the historian.' The first two volumes contain seven essays, two devoted to the royal family and the royal diplomacy, the others, and more valuable, to the three orders of society, the Gallican church, and the French protestants. They are excellent introductory studies. The third volume deals with the conspiracy of Amboise, the edicts which M. Romier regards as so important in the history of toleration, and the second plot of 1560. It ends with a dramatic account of the arrest of Condé and the last illness of Francis II.

The earlier book ended with Henry II's deliberate decision to place the extirpation of heresy above the interests of foreign policy, to accept a humiliating peace with Spain in order that he might be free to drive protestantism out of France. M. Romier thinks that the reformation was more widely spread than most historians imagine, and that Coligny's figure of 2,150 reformed churches or communities in France in 1561 is admissible. Estimating its strength in each of the provinces he concludes that it was weak in Picardy and Burgundy, but specially prevalent in the maritime regions which traded with England and the Low Countries, and where economic misery and fiscal exaction were most severe. Certain social conditions favoured its success, such as the unemployment of officers and men after the peace of 1559, and particularly the acquisition of 'noble' fiefs by rich roturiers. The new nobility naturally defended the old order into which it had forced an entry, and as a result many poor and dispossessed nobles were influenced in favour of the opposite party. The lesser nobles were generally grouped in the clientship of a great local family, but could not always control the religious sentiment of their district. In Picardy, for example, the nobles were grouped round the houses of Longueville, Bourbon-Vendôme, and Châtillon, but the Picard populace was hostile to the reform. M. Romier has made special use of local histories, and among the most informing of his pages are those on the relationships of the provincial nobility. He makes clear the importance of the three chief pieces on

<sup>1</sup> *Les origines politiques des guerres de religion*, 2 vols., 1913-14.

Catherine's chess-board, Guise in the east, Montmorency in the centre, and Bourbon in the west.

M. Romier has written perhaps the clearest and most complete of the many narratives of the conspiracy of Amboise. Behind that strange essay in rebellion, said Maitland,<sup>1</sup> men saw Calvin and Elizabeth. 'Calvin's acquittal seems deserved. . . . Before we absolve Elizabeth we wish to know why a certain Tremaine was sent to Brittany, and whether Chantonay was right in saying that La Renaudie had been at the English court.' Tremaine was only sent to Brittany a few days before the revolt. M. Romier says, 'bien des indices révèlent une intrigue encouragée de toutes manières par Elisabeth', and he argues, more from the probabilities of the case than from actual evidence, that England found the money for La Renaudie. It is by no means certain that La Renaudie came to England, though it is asserted by Chantonay in letters dated 3 and 18 March 1560, which are mentioned, but unfortunately not quoted, by Ruble.<sup>2</sup> Various dates are assigned to his visit. La Renaudie was at Geneva seeing Calvin in December 1559, in January at Aubonne and Lyons, on 1 February at Nantes, and before 20 February he had been to Paris and his host had had time to learn his secret and betray it to the cardinal of Lorraine. M. Naef thinks La Renaudie went to England after the meeting at Nantes, but it seems improbable that he would then leave France when the outbreak was fixed for 6 March. Ruble dates the visit after the interview with Calvin, but this is impossible. Professor Pollard has conjectured that Throckmorton may have brought La Renaudie in his train when he came to England in the autumn of 1559.<sup>3</sup> There is no hint of this, or mention of La Renaudie, in Throckmorton's dispatches as calendared. M. Dureng wrote a judicial review of the evidence of English complicity in the revolt, but laid no stress on La Renaudie's supposed visit.<sup>4</sup>

M. Naef examines very thoroughly the accusations against Calvin; he shows that Calvin was consulted as early as September 1559, and was favourable to a 'legitimate' revolt headed by Antoine as eldest prince of the blood, but declined to support a scheme of which only Condé was chief, while he uniformly repulsed La Renaudie and discountenanced any popular revolt not sanctioned by the princes. He did very little to prevent the conspiracy, probably because he secretly hoped that it might after all succeed. The case of Beza is very different: he sent into France a libel against the Guises which M. Naef shows, in a very interesting appendix, was the basis of much Huguenot polemic, and although he disapproved the 'tumult' in the form it actually took he was not free from a share in its origins.

M. Naef prints, in his scholarly and exact book, many fresh documents on the process in which La Renaudie was accused of forging written evidence. He also relates the story of Geneva's peril in the days when Emmanuel Philibert of Savoy hoped to capture the city. The more the diplomacy of the sixteenth century is revealed the clearer it becomes that religious motives were less powerful than reasons of state. Pius IV and the Guises would gladly have seen Savoy master of Geneva, but Philip II and succes-

<sup>1</sup> *Camb. Mod. Hist.* ii. 576.

<sup>2</sup> *Antoine de Bourbon*, ii. 142.

<sup>3</sup> *Pol. History of England*, vi. 231.

<sup>4</sup> *Revue d'histoire moderne*, vi. 249.

sive kings of France, because of their political aims, refused their assent to an attack on the city of Calvin.

M. Romier is perhaps inclined to exaggerate the importance of the edicts of Amboise and Romorantin, though he is too good an historian not to admit their defects. The success of France in forcing Pius IV to renew the Council of Trent, by repeated threats of a national reforming council, was due to joint action by the cardinal of Lorraine and Catherine. Pius IV urged Francis II to punish all 'ces cerveaux studieux de novitez'. For this malady there was no medicine but fire and sword. In contrast to this spirit Catherine's partial and politic conciliation, while it lasted, deserves M. Romier's eulogies.

Professor Van Dyke has written a most interesting book round about Catherine de Médicis, which forms an excellent supplement to M. Romier's introductory studies. It is less a biography than a history, very impartially and thoughtfully written, of events viewed from the side of 'the royal interest'. To Catherine this interest in its limited family sense was the paramount, if not the only one. She was a mistress in the art of turning the next dangerous corner, an opportunist unhampered by any principle, willing to accept any expedient that would secure a momentary peace. Her courage, her physical and mental energy, never failed; but can she be credited with any intelligent scheme of policy, even with the policy of playing one faction against the other? At least ten edicts dealing with religion were issued during her period of power; one gives almost complete liberty of worship to the protestants, another provides for their total proscription, and only those issued under L'Hôpital's influence show the monarchy advocating any policy of its own. The others are merely surrenders to the faction which was dangerous at the moment. She never had intelligence enough to strengthen and rely upon the middle party which existed even in the France of her time, and therein lay her definite inferiority to Elizabeth. M. Romier calls the two women 'également grandes, également averties des conditions des États qu'elles représentent'. Dr. Van Dyke, on the other hand, shows how much more wisely than Catherine Elizabeth dealt with her religious dissentients, sternly maintaining peace and order and protecting them from mob violence. It is a paradox that the anarchy in France was followed by the strong power of the Bourbons, while the good discipline of the Tudors was succeeded by a century of revolution in England. The Tudors educated their people to independence, the later Valois only proved the necessity of reaction.

Dr. Van Dyke's book was finished before the admirable work of M. Mariéjol on Catherine<sup>1</sup> appeared. On most points the two writers agree in their conclusions. As regards the massacre of St. Bartholomew both reject the hypothesis of premeditation at Bayonne. But there may have been other prearrangements, and M. Romier in a review article in 1913 suggested that the Guises had planned the scheme.<sup>2</sup> This article has escaped Dr. Van Dyke's notice, though he has a special bibliographical section dealing with the massacre, but it is discussed, and its thesis rejected, by M. Mariéjol.<sup>3</sup> Dr. Van Dyke's narrative would be more easily followed

<sup>1</sup> See *ante*, xxxvii. 124.

<sup>2</sup> *Revue du xvi<sup>e</sup> siècle*, i. 529-61.

<sup>3</sup> *Catherine de Médicis*, p. 193.

if he had been less sparing in his use of dates. He has an excellent account of the fighting at Dreux, but does not give the name of the battle till it is referred to again much later in the book. He would not claim to possess the familiarity with the archives which M. Romier has acquired, but he has gathered many fresh illustrations from them, and tells us that he makes over a thousand citations from unpublished manuscripts. Of the ambassadors at the French court he finds the Venetian the most trustworthy and least prejudiced : to M. Romier ' le Vénétien est un bon "journaliste" qui n'approfondit rien '. It is satisfactory to note that both writers give special praise to the work of an English scholar, Mr. A. W. Whitehead's *Gaspard de Coligny*. To most readers of this Review Dr. Van Dyke's third and as yet unpublished volume will probably be the most interesting. He tells us that it contains nearly five hundred unprinted letters of Catherine and other documents gathered during his researches, and that publication has been abandoned because of the expense and for lack of leisure to verify his transcripts. It would be a great pity if this work were lost to scholars, and Dr. Van Dyke might well add to it critical notes explaining some of his conclusions as to the memoirs and histories of the time ; his valuable work in criticism is scattered and not easily consulted. He has an elaborate system for quoting his references as briefly as possible, but how is a reader to judge the value of a statement if he is only told that it is contained in certain archives, without any indication by whom it is made ? There is a slip into inaccuracy in the first sentence of the book, and the reference to this Review on ii. 338 is wrong.      WALFORD D. GREEN.

*Calendar of State Papers, Foreign Series, of the Reign of Elizabeth, preserved in the Public Record Office.* Vol. xx. *September 1585–May 1586.*

Edited by SOPHIE CRAWFORD LOMAS. (London : Stationery Office, 1921.)

THE contents of this volume, like those of its immediate predecessors,<sup>1</sup> deal mainly with the affairs of the Netherlands and France. This correspondence, indeed, is probably the most valuable material extant for the history of the Netherlands, if not of France, during the period with which it deals, and has not yet been adequately utilized by the historians of those countries. It is of course valuable also for English history (we need not yet talk of 'British' forces in the Netherlands, as Mrs. Lomas does on p. vii—inadvertently, unless it is a compliment to the services of Sir Roger Williams), and the extent of its information is a reminder that Elizabeth's government was infinitely better informed about foreign affairs than any foreign government was about English affairs. The successes of her reign, like Bismarck's, owed more to diplomacy than is commonly admitted by students of naval and military history.

The principal topic is Leicester's conduct as governor of the revolted provinces. The queen appears (it is rarely safe to say anything more definite about Elizabeth) to have taken violent offence at the terms under which he accepted office under or authority over the States ; and there is some interesting correspondence (pp. 446, 457) on the meaning of

<sup>1</sup> See *ante*, xxxi. 441–2.

'sovereignty'. The council of state contended that 'although the words of absolute power and authority contained in the said commission may seem to import the title and jurisdiction of sovereignty, yet in their sense and common use there of the said words, the meaning of them is no other than to give unto the said Earl full power and authority to execute the contents of the commission . . . with reservation nevertheless of the sovereignty and propriety of the country to the people'. Elizabeth seems, somewhat strangely, to have been mollified by this disclaimer of royal sovereignty. In any case, her offence was taken not so much at any slight to herself as to Philip II. She always repudiated sovereignty over the Netherlands, and would have been willing enough to recognize Philip's, provided his sovereignty was reduced to a sufficiently tenuous suzerainty.

She was apparently at the moment engaged in very secret negotiations, or rather suggestions of a disposition to negotiate, with Philip, on which these documents throw but a fitful light. The *Simancas Calendar*, to which one naturally goes, is even more obscure. There are some transcripts at Brussels; but, remarks Mrs. Lomas (p. xxxiv), 'Major Hume does not include these in his *Spanish Calendar* (or, indeed, any other *Simancas* documents of 1585 or 1586 save those taken to France during the Peninsular war, and now in the Paris Archives)'—a circumstance which throws a curious light on the title-page of his *Calendar of Letters and State Papers . . . preserved principally in the Archives of Simancas*. These negotiations, which were probably intended merely to disconcert Philip, disturbed the minds of Elizabeth's Dutch and English advisers. 'Except', wrote Heneage (p. 670), 'a more constant course be taken with this so unconstant a people, it is not the blaming of her ministers will advance her Highness' service or better the state of things;' and he proceeds to remark that the Dutch were beginning to regard the English as no more reliable than the French. Leicester had critics enough. 'You may be assured', wrote Sir Horatio Palavicino in cipher to Burghley (p. 516), 'that neither the Earl nor those with him will in any way consider the inclination of the Queen, but only what may be to the advantage of their own design.'

French affairs were almost as confused, but are not so prominent in these pages, as those of the Netherlands. There is some shrewd comment (p. 672) from Buzanval, Henry of Navarre's agent in London, on the relations of Burghley, Leicester, Walsingham, and Stafford, and an astonishingly accurate forecast of Stafford's future; but it needs some careful reading between the lines. With regard to Stafford's alleged treasonable practices, which Major Hume endeavoured to establish in his prefaces, Mrs. Lomas holds a sounder opinion. 'Stafford's own explanation', she writes (pp. l, lxiv), 'of his apparent friendship with Arundel was a manly defence of his conduct and loyalty . . . the one suspicious point—his intercourse with Charles Arundel—is not only frankly explained by him, but there is considerable doubt whether Arundel was not at this time in Walsingham's pay.'

There are, as usual, interesting references to other matters than foreign policy, such as that to Tycho Brahe and his comet (p. 235), and the remark (p. 452), 'I have had Halifax law, to be condemned first and inquired

upon after.' The corrigenda we have noted are few and trifling. 'St. Croix' (p. 208) is more familiar as Santa Cruz; 'Garratt Malinas' (p. 540) is better known as Gerard Malynes; on p. lxxiii 'the Empress's daughter, Elizabeth, the widow of France' is identified with 'the widow of Francis II', but she was of course the widow of Charles IX, and not Mary, Queen of Scots. A reference might have been given to Blok's *Correspondance Inédite de Robert Dudley, Comte de Leycester* (Haarlem, 1911), which relates mainly to his government in the Netherlands, and there are references on pp. 555, 573 to Balagny which are not in the index.

A. F. POLLARD.

*Mary Queen of Scots and the Babington Plot.* By J. H. POLLEN, S.J. (Edinburgh: Scottish History Society, 1922.)

*Trial of Mary Queen of Scots.* Edited by A. F. STEUART. (Edinburgh: Hodge, 1923.)

FATHER POLLEN's book was planned as a collection of documents with an historical introduction, but in execution the first section of it has outweighed the second and the documents have therefore become *pièces justificatives* to a work upon the Babington plot. There has been need for such a careful review of the subject, for cautious writers have assumed that the story of the plot could not be known with that certainty which would enable a definite verdict to be given upon Mary's complicity, and partisans of Mary have often dismissed the plot as a wretched conspiracy of Walsingham's and the charges against Mary as fabrications. Now Father Pollen will leave no reader in doubt of his sympathy with Mary, and his conclusions, so far as they tell against her, are therefore weighty. For his task he was well equipped. He possesses an unrivalled knowledge of Elizabethan Roman Catholics, which enables him to sketch the careers of all who pass across his pages.

The remote beginnings that led to the Babington plot go back to the year 1585, when Savage, a weak, impressionable man, resolved to assassinate Elizabeth. By December of that year Walsingham had suborned one of his confederates, Gilbert Gifford, to play the traitor; and Gifford being then over in England to represent Morgan, and if possible to open up communication with the Scottish queen, Walsingham at once eased the vigilant watch which had kept Mary from secret news for a year, and allowed Gifford to send and receive letters. They were conveyed to and from Mary in beer casks. From the beginning the secret post was under Walsingham's eye, and in consequence Mary and the Catholic conspirators all became his dupes. Savage was joined in his resolution to murder Elizabeth by Ballard, Babington was soon drawn into the plot and into the leadership of it, and as for Gifford, from a spy he degenerated into an *agent provocateur*. How inevitable this change of Gifford's was Father Pollen does not appreciate, and therefore he is unjust to Walsingham, whom he accuses of engaging Gifford from the first as a *provocateur*. Moreover, so convinced is he of the devilry of these two men, that whilst he admits that we have no evidence of collusion between them before December 1585, he yet conjectures an earlier understanding, and would suppose that Gilbert, acting as Walsingham's agent, fomented Savage's

plot and so initiated the whole conspiracy. It is not incredible, but dare one say anything more ?

In June 1586 Mary wrote to Babington for some old letters which were in his care, so opening the way for him to unfold his plot to her, and involving herself in a situation where her life depended upon the next step that she took. On 11 July her answer was written to Babington. It was intercepted and copied by Walsingham's expert decipherer, Phelippes, who inscribed the gallows mark on the outside of his copy, so assured was he of its incriminating character. As for our judgement whether Mary was guilty or not under the act 27 Eliz., cap. 1, it will depend upon our decisions on two points, first on the authenticity of Phelippes's copy of Mary's letter, since the original was destroyed, and second on the interpretation of it. Father Pollen does not hesitate to accept the letter as genuine, and he therefore dismisses the fantastic arguments of Labanoff and Lingard. In fact the evidence cannot well be gainsaid. In the second place there can hardly be a shadow of doubt that Mary was privy to the plot, and it is as well to recollect that this alone made her liable to death. But she was accused also of being consenting. Father Pollen seems to come to the conclusion that she was not ; but his arguments entirely fail to convince me. It is impossible to discuss the point here, and I can only suggest that the letters of Babington and Mary should be read in conjunction.

For Father Pollen's selection and editing of his documents one can have nothing but praise. Some have not been printed before, whilst many of the cipher letters he has reded ciphered, so giving us new texts. His book is invaluable, and throughout it is marked by careful scholarship. But one cannot allow the balance which he establishes between Mary and her political opponents to stand unchallenged. He is extravagant in his denunciation of the English government, sometimes because his own high principles lead him to prefer judgements that are anachronisms in morals, at other times because some detail of his history is not quite sound. Thus there is still much to be said about Elizabeth's forbearance towards Mary. In 1571 she prevented the protestant house of commons from depriving her of her title to the succession. In 1572 she alone stood between parliament and Mary, saving her from trial and from loss of her succession claims. And in 1584-5 she had both the act for the queen's safety and the bond of association tempered, ridding them of the spirit of lynch law. Father Pollen's conclusion that Elizabeth was never in the least peril from the Babington plot or from other conspiracies contains at least a *suggestio falsi*. Walsingham's spy system was amazingly efficient. But, one asks, could it have been efficient enough at all times to make plotting a fool's game ? And if it could, was it possible for the government to maintain that detachment of mind which comes from knowing the happy issue out of all dangers ? Generosity to opponents is a grace in which only secure governments have indulged.

Mr. Steuart's book, the latest volume in the series of ' Notable British Trials ', is a timely complement to Father Pollen's ; but unfortunately it does not attain the same standard of scholarship. It is true that if its many editorial flaws be corrected it is more useful than Cobbett's

*State Trials*, because at least three times the amount of space is given to the trial and many more documents are now known. But in historical criticism there is no advance upon the work of Cobbett's editor, Howell. No attempt has been made to discriminate between the various accounts of the trial and to establish their authority. Perhaps the semi-popular character of the series necessitated it, but the introduction is given over to a slight sketch of Mary's life.

The first section of the text consists of a reprint of the account of the trial in Cobbett, without any clear indication of its origin except the heading 'State Trial' in the table of contents. The same laxity in indicating the source appears in the next entry, 'Evidence against the Queen of Scots', which one would imagine came direct from the *Hardwicke State Papers*, but which really comes via Cobbett's *State Trials*. These are but slight lapses. The following are more serious. On pp. 114-16 Mr. Steuart reprints from the *Scottish Calendar* Mr. Boyd's epitome of a document which it requires no great alertness to recognize as the same text which is in the *Hargrave State Papers*, and which therefore was printed *in extenso* earlier, on pp. 65-85. And then again, on pp. 112-13, he prints from Boyd the text of an inferior manuscript which contains the concluding section only of this same Hargrave paper. The most important text in his volume is that which Mr. Steuart heads 'Evidence given by Queen Mary's Secretaries', being a section from the Cotton MS. Caligula, C. ix, fo. 436 f. Of this manuscript more will be said presently. Mr. Steuart does not reproduce it accurately, for the final part of what he prints, namely from the last paragraph on p. 161 to the end on p. 169, should be at the beginning of his text. Ostensibly he prints fos. 463-500 of the manuscript, but the last section of his text is from fos. 453-63. Attention need be drawn to one other flaw only, a bad typographical blunder on pp. 48-9. The sixth line from the foot of p. 49 should be inserted before the last line on p. 48, and this last line should come after the first line on p. 49.

There is no edition and no critical survey of all the sources for Mary Queen of Scots' trial. It is to be hoped that the deficiency will some day be made good; but in the meanwhile the following results of a somewhat cursory examination of the sources may be useful. There appear to have been three classes of official reports of the trial. The first consisted of the reports by Edward Barker, principal notary, of the interviews with Mary which preceded the trial itself. Three of the reports were printed in full by Labanoff (*Lettres . . . de Marie Stuart*, vii. 36-46) and calendared by Boyd (*Scot. Cal.* viii, nos. 87, 88, 91), but a fourth once existed, and it is possible that there was also a parallel official account of the speeches made during the trial itself. The British Museum manuscripts should be searched for these missing narratives, especially Cotton Caligula, C. ix, and Harley 290. The second class consisted of the official report of the trial, in Latin. There is a copy in Caligula, C. ix, fo. 436 f., but the copyist abbreviated this text by omitting repetitions, and it may be that a full text will be found elsewhere. Mr. Boyd overlooked the manuscript, and it was rediscovered by Father Pollen. Of its 65 folios Mr. Steuart prints 48 (pp. 132-69), but the whole of the record should be published. The

third class of report was that printed in the *Hargrave State Papers*. Father Pollen, in a note on the sources for the trial (pp. 136-7), suggests that this is simply a digest in English of the official Latin record, which I think is doubtful. It probably has some relation to the Latin record, but the order of the matter is changed and passages appear in it which are not in the Latin text. Perhaps it is an official report connected with the proceedings in the star chamber. But a closer examination of the document will settle the point. With these reports such unofficial accounts of the trial as Bourgoing's should be compared. Chantelauze's comparison in his edition of Bourgoing's diary was principally concerned with the Hardwicke paper and the narrative in the *State Trials*.

We now come to the so-called 'state trial', in Cobbett's and all previous collections of state trials. In addition to an account of the proceedings at Fotheringay, it contains the proceedings in the star chamber and in parliament, and an account of the execution of Mary. Its provenance is easily determined. Apart from the texts of some documents and one or two short passages, it is Camden's narrative, taken from the first English translation of his *Annals*. Camden constructed his narrative in the first place from those official reports of the interviews before the trial to which I have already referred, including the fourth report, which has not yet been rediscovered. For the trial itself he probably had the official Latin record, but he possessed a report of the speeches in addition, and it is this fact which prompted my suggestion that there may possibly have been an official report of those speeches—although of course Camden's source may have been a private narrative. His account of the proceedings in parliament was made up from the journals and from separate manuscripts of speeches, &c., to which he had recourse, as D'Ewes had later. Strictly speaking, the proceedings in parliament are not part of the trial.

The 'state trial', then, is only a second-hand authority, adorned with the English of Camden's translator; we know most and we could probably find all of the sources from which it was compiled; and it should therefore be discarded as an authority, even though in discarding it we shall rob Mary's speeches of those excellent phrases which have added not a little splendour to her story.

J. E. NEALE.

*Manuscripts of A. G. Finch*. Vol. ii. (Historical Manuscripts Commission. London: Stationery Office, 1922.)

THIS volume contains both the private papers of the Finch family from about 1670 to 1690, and those portions of the official correspondence of Daniel Finch, second earl of Nottingham, which he retained when he vacated office. The family papers mainly concern the embassy of Sir John Finch to Constantinople (1674-81), and thus serve as a continuation to the earlier letters relating to Winchelsea's mission to the same place.<sup>1</sup> They seem often merely to duplicate the information contained in the State Papers, Turkey, in the Public Record Office and do not add much of importance to the account given in Mr. G. F. Abbott's *Under the Turk in Constantinople*. There are also some charming love-letters, which reveal how admirable was

<sup>1</sup> *Manuscripts of A. G. Finch*, vol. i.

the domestic character of the second earl of Nottingham. Most of the official papers belong to the years 1689–90, when Nottingham was secretary of state. The editor correctly states that this volume contains ‘an almost complete series of the letters which passed between Nottingham and the admirals of the fleet, forming a very valuable addition to the navy papers of this period in official keeping’. A few of the most important documents, however, relating to the battle of Beachy Head, have already been printed in full in John Entick’s *New Naval History* (1757), and thence quoted in Rear-Admiral Colomb’s *Naval Warfare*: the instructions substituted for those on p. 195 are to be found in Ellis’s *Original Letters*, 2nd series, iv. 186. These documents provide some fresh evidence about the fighting at sea, but their real importance lies in the abundant details they supply of naval administration, a subject about which the evidence has been very scanty hitherto for 1689–90. Nottingham and the other civilians associated with him are here convicted on the plainest evidence of the grossest incompetence. They were ignorant of naval strategy and yet prompt to contradict and overrule professional advice, neglectful of reinforcements in ships and men for the fleet, and unable even to provide victuals that were eatable. In fact the navy Torrington commanded in 1689 seems to have been in danger of providing an exact counterpart to the army Schomberg took to Ireland.

As regards that island there is a series of letters to and from Sir Robert Southwell which gives the official point of view of the operations there. The general tendency is to confirm what is already known, but some new facts emerge, such as the plundering habits of William’s troops whenever their pay was in arrears. Among the correspondence of Tyrconnel captured after the Boyne is a letter to Mary of Modena, on which Burnet<sup>1</sup> obviously based his account of Jones’s plot to murder William in 1690. The Jacobite Albeville’s intercepted letters are very interesting and full of bitterness against the native Irish troops, whom he calls ‘incarnat divels’. Various points of English constitutional history receive here fresh illustration, particularly the activities of the cabinet council, and the relations of ministers to the king. William’s autocracy in the province of foreign affairs is nowhere more clearly revealed than in a letter of Nottingham’s, who humbly begs the king’s pardon for seeming to express an opinion about them. It would be interesting to know whether the fifteen pages of proceedings of the commissioners sent by James to treat with William of Orange in December 1688, which are here mentioned but not calendared, merely duplicate what is already known or add new details.

The editing of the text of this volume is generally accurate, though there are some errors in Latin (pp. 12, 20, 58, 129) and in foreign names: forms such as ‘Schonberg’ seem to be pedantically wrong. Also a reference on p. 106 proves that the draft on pp. 103–4 cannot be dated earlier than March, and an entry in the *Calendar of State Papers, Dom.*, 1689–90, p. 211, shows that ‘Dunkirkers’ (p. 236) should be ‘Danzigers’. While the introduction is commendably short, the index is unreasonably long, covering 130 pages. Its very first page furnishes specimens of the space thus wasted. The first item is: ‘Abel, allusion to.’ Under ‘Admiralty’

<sup>1</sup> *History of My Own Time*, ii. 55–6.

appear such superfluities as : ' commands awaited from ' , and ' orders should have been directed to ' . One column has the phrase ' alluded to ' repeated nine times unnecessarily. In these days of economy the construction of indexes on this scale merely delays the publication of further volumes, which is the more regrettable inasmuch as the preface to this report reveals the existence of much material urgently required by students of the reign of William III.

GODFREY DAVIES.

*A Life of Lieutenant-General Sir Eyre Coote, K.B.* Compiled by COLONEL H. C. WYLLY, C.B. (Oxford : Clarendon Press, 1922.)

A BIOGRAPHY of Coote has long been overdue, and Colonel Wyllly is to be congratulated on his discharge of the debt. He does full justice to Coote's great merits as a soldier. He establishes his claim to rank as second to none of our Indian generals. He indicates clearly his strategy and tactical methods, laying stress upon the fact that it was Coote, and not Wellington, who introduced the two-deep line. His description of the difficulties which Coote had to face in his struggle with Hyder Ali, when ' a day's rice more or less may decide the fate of the British Empire in India ' , is convincing.

But Colonel Wyllly seems less successful in representing the man. His picture is too partial. He always gives Coote the benefit of the doubt, and he seems blind to grave faults of character, which impaired the value of his services. It is difficult to believe that Coote was not himself in part responsible for the endless controversies in which he was engaged with the civil government. He was tactless in standing so rigidly upon the rights of his military precedence, as when he demanded that the general commanding in Madras should send him a company of a newly-arrived British regiment to form his bodyguard in Bengal. The Madras governors were perhaps the most impracticable officials with whom a general has ever had the misfortune to deal ; but it was Warren Hastings who wrote of Coote in 1772, ' May success and honour attend him in any other part of the world, but God forbid that he should ever return to India again ' . Seven years later Hastings, then at the height of his quarrel with Francis, recognized the need for tact in handling the commander-in-chief. ' In my personal conduct to Sir Eyre Coote I have endeavoured to gain his friendship by an official support of his pretensions, by an unreserved surrender of the military department, and by other more important concessions.' It was only when Coote and Hastings were separated that trouble began. In a note to chapter xi the author summarizes the complaints put forward from time to time by Coote against Hastings, but hardly makes good his case. His explanation is that Coote was trying to establish a new system, by which the commander-in-chief should be supreme in all military matters. But this system, however desirable at the moment, was in violation of regulation, custom, and tradition, and Coote's attempt to secure a position not authorized by law led the civil government to withhold from him some of his lawful prerogatives. For Coote to complain, whilst fighting in Madras, of alterations made in his plans for the defence of Bengal, when the military situation there had changed, indicates a captious and wayward spirit.

Coote's point of view was that the civil government existed simply to supply his wants in the field. He never took into consideration that the government might have difficulties of its own to contend against, or might possess information of which he was not aware. The successful expedition dispatched by Lord Macartney against Negapatam in defiance of Coote's protests is a case in point. Nor does Coote's lame apology after the event do him much credit.

In dealing with the curious episode which nearly nipped Coote's military career in the bud, the author suggests that during the two years of his absence from the army list he may have been serving in the Low Countries. There is a piece of corroborative evidence which seems to have escaped his notice. In a letter written by Coote to Lord Barrington, quoted on p. 98, he speaks of having been wounded in action at a time when the two officers, who had just superseded him, were still at school.

If Colonel Wylly had curtailed the copious extracts from his authorities and enlarged his own contribution, his compilation would have gained in interest. Some of the digressions are barely relevant, and the chapter on naval operations, if not wholly superfluous, might have been severely condensed. A more generous allowance of dates would have been a help to the reader, and some of those given are inaccurate; for instance, two in the introduction. In the last sentence on p. 103 after 'Prisoners of War' should be inserted the words 'to His Britannic Majesty upon the terms of that Cartel but requires that they should surrender themselves Prisoners of War'. On p. 221 in the list of killed 72 should be 7.

W. B. WOOD.

*Report on the Palk Manuscripts, in the Possession of Mrs. Bannatyne, of Haldon, Devon.* By Colonel H. D. LOVE. (Historical Manuscripts Commission. London: Stationery Office, 1922.)

ROBERT PALK went out to India as a naval chaplain with Boscawen's expedition in 1747. Transferred to the Company's service as chaplain of Fort St. David, he exhibited, in his secular preoccupations, talents for business and administration above the average, and gradually abandoned his clerical duties for financial and diplomatic appointments. Finally, he rose to be governor of Madras from 1763 to 1767, made a large fortune, bought a country seat in the county in which his forefathers had lived and died as yeomen, received a baronetcy and founded a family. His eldest son, Lawrence, as these letters show, made the grand tour of Europe with a tutor after the accepted fashion of a young man of position in those days, was furnished with letters of introduction to the highest circles, and was presented to Prince Kaunitz, who treated him with especial kindness, Prince Leopold of Anhalt-Dessau, the Prussian royal family, and the duke of York. Such were the prizes of a successful Indian career, and though it may be surmised that the virtue of Sir Robert Palk in monetary matters was not of the most austere pattern, yet his record on the whole seems to have been an honourable one and his reputation unsmirched by scandalous rumours.

The documents calendared in this report consist almost entirely of

letters received by the ex-governor from various correspondents in India after his retirement to England. With the exception of nine earlier papers, they range over the dates 1767 to 1787, and they are concerned mainly with the affairs of the Madras Presidency, though there are incidental references to the fortunes of Bengal and Bombay. The letters are of the greatest interest, biographical, social, and political. Palk's post-bag received contributions from a wide and heterogeneous circle of acquaintances, governors of presidencies, Company's servants of long standing, callow youths just embarking upon an Indian career, veteran officers of the Indian army, young cadets, a midshipman nephew, described by Sir Edward Hughes, the great admiral, as 'a little pickle' though 'a very clever lad' and likely to make 'a smart officer', Indian merchants, married women and young girls. Thus a vivid, lifelike, and comprehensive representation of the Anglo-Indian world of the eighteenth century is given from many different angles of vision.

Sir Robert Palk himself had been fortunate in his time. 'I know no one', writes one of his correspondents, 'who ought to hug himself more than you, for surely never was there a less ruffled government than when the reins were in your hands.' But the times were changing. After his departure the presidency entered upon a zone of troubles and disasters unprecedented in its history. The ill-conducted war with Hyder Ali brought discredit on the Company's prestige and desolation on its territories. Of this we have abundant evidence: 'all the country to the Southward', notes one writer, 'entirely laid waste: not an hut or inhabitant to be seen for sixty miles together, so terrible have been and still are the devastations of the enemy's horse.' But more insidious perils beset the settlement from within. The famous Nawab of Arcot or the Carnatic, Muhammad Ali, that evil genius of British rule in southern India, was now settled far away from his proper capital in his palace at Chepauk, 'near the Company's Gardenhouse' and within a mile of Madras, and had begun his deadly work of embarrassing the government, debauching and demoralizing the civil service of Madras and ruining the peasantry of the Carnatic. We trace in these records the early stages of that gigantic scandal, 'the Nabob of Arcot's debts', one of the greatest blots on the British administration of India, the scandal which discredited the board of control (for they refused to second the court of directors in their honest though belated attempts to tackle it), proved that even Pitt did not dare to offend the powerful Indian interest in parliament, and formed the theme of one of the noblest of Burke's speeches, a speech unanswered and unanswerable. The evidence of these documents more than bears out Burke's account of the relations between the Company's servants and this prince, who was no true potentate but 'a shadow, a dream, an incubus of oppression'.

The Nabob of Arcot and his creditors are not adversaries but collusive parties. . . . The litigation is not, nor ever has been, between their rapacity and his hoarded riches. No, it is between him and them combining and federating on one side, and the public revenues and the miserable inhabitants of a ruined country on the other. . . . Bond is paid by bond, arrear is turned into new arrear: usury engenders new usury.

The Crown by entering into negotiations with the Nawab, and sending

out its own plenipotentiaries, Sir John Lindsay and Sir Robert Harland, only made matters worse. 'The Nabob', writes one of Palk's most trusted correspondents, 'is totally changed : presents and letters from the King have turned his brain.' The arrival of Sir Eyre Coote was another embarrassment, for the general was, as often, almost impossible to work with. 'We would not submit to be trampled on, and so he refused to sit with us or to act, and is gone to Bengal in a great huff.' Goodlad, a friend both of Hastings and Palk, sums up the position :

Taken all in all our situation is critical indeed. The Council, I think, were never so responsible for their conduct as at this juncture ; the Nabob doing everything to thwart them ; a government spy picking holes in their coat on every occasion, and the Commander of the army bellowing out vengeance because he cannot be supreme.

Another correspondent writes significantly at the same period : 'I tell you, my friend, the Company's affairs were never in so dangerous a way. We are surrounded with enemies, and the most dangerous are neither Hyder, the Morattas, the Soubah, or the French.'

The famous incident of Lord Pigot's deposition and death bulks largely, as we should expect, in the correspondence, and some interesting details are given of the treacherous procedure adopted to effect his arrest. The defence put forward by Charles Floyer for the action of the council is so weak, and his attempt to blacken Lord Pigot's character is so obviously malicious, that these documents only strengthen the case against the unfortunate governor's opponents. There are a few characteristically vigorous and racy letters of Warren Hastings, in one of which, written from Madras in 1770, he uses a phrase strangely prophetic of his own future in Bengal : 'it seems to be the fate of the age we live in that all public acts shall be personal.' It is clear that even in his early days at Madras Hastings had made a great impression on his colleagues by his administrative capacity and intellectual power.

It goes without saying that the editorial work of Colonel Love is admirably and unobtrusively performed. His profound knowledge of the Madras records and the history of the presidency have enabled him to enrich the volume with brief, compact, and erudite foot-notes. His introduction is a lucid and scholarly summary of the most important information to be gleaned from the whole body of manuscripts.

P. E. ROBERTS.

*Bulletin d'Histoire Économique de la Révolution*, 1914-16, 1917-19. Two vols. (Paris : Imprimerie Nationale, 1916 and 1921.)

*Correspondance du Ministre de l'Intérieur, 16 Avril-14 Octobre 1792.*

Edited by A. TUETÉY. (Paris : Imprimerie Nationale, 1917.)

*L'Assistance Publique dans le District de Toulouse de 1789 à 1800.* Edited by J. ADHER. (Paris : Imprimerie Nationale, 1918.)

The dates of these four volumes of the series of ' Documents sur l'Histoire Économique de la Révolution Française, publiés par le Ministre de l'Instruction Publique ' show how not even the crisis of the war stopped the issue of volumes in this great series. Both volumes of the *Bulletin* contain matter of first-rate importance, that in the second being perhaps of the

wider economic interest. The editing of the first was entirely in the hands of M. Tuetey, that of the second in those of MM. Caron, Marion, and G. Bourgin, other scholars contributing notes.

The 1916 volume contains a set of reports made to the hospitals' department of the Paris municipality in 1790 and the minutes of the hospitals' committee from April to October 1791: a series of documents relating to the management of the spinning-houses for paupers in Paris: and a long series of exceedingly detailed documents referring to the assistance given throughout France to Belgian and Liégeois refugees in 1793—an II. The hospitals' documents contain the usual hospital and asylum horrors of the eighteenth century (e.g. 'ceux . . . qui sont constamment furieux . . . sont enchaînés à la manière des bêtes féroces', p. 31), with medical reports and administrative decisions which should be of value to students of the history of public health. The spinning-house documents are a mere fragment from the papers of the department of public establishments, which took over hospitals, almshouses, and spinning-houses in 1790. Most of its papers perished in the Hôtel de Ville in 1871: these happened to be in F<sup>15</sup> at the Archives Nationales. Help to the poor by the provision of material for spinning had been thoroughly mis-managed:

Tandis que . . . le travail à domicile avait été systématiquement découragé de la façon la plus impolitique, celui des ateliers publics avait été favorisé outre mesure, ce qui avait donné des résultats déplorables. Ces ateliers, surtout celui du Midi, . . . étaient devenus un foyer de corruption et de troubles (p. 156).

Among the minutes one meets 'le citoyen Hébert' in a new rôle.

Au nom d'un particulier de sa connaissance [il] avait proposé pour le service des ateliers 1500 livres de coton. . . . L'Administrative a fait filer un échantillon . . . dont la qualité ne répond pas à l'annonce qu'on en avait faite. Le prix est d'ailleurs au-dessus du *maximum*, dont l'Administrative ne peut s'écarter, elle arrête en conséquence qu'il n'y a lieu à délibérer sur la proposition du citoyen Hébert (p. 174).

It is satisfactory to learn that he had no chance of getting a commission from the 'particulier de sa connaissance'.

The Belgian documents have a strange familiarity in this day of refugees and carryings away captive. 'Fait caractéristique' (p. 205), the refugees were not of one mind or of one organization. 'Les Belges proprement dits', men of Brussels, Ghent, Louvain, Ostend, and Namur, were in one group, the Liégeois in another. 'Entre temps, les discordes intestines continuaient à régner parmi les réfugiés liégeois, qui s'accusaient mutuellement d'être de faux patriotes' (p. 225). The papers contain masses of personal details which should be of value to genealogists and family historians.

The 1921 volume begins with a long report (362 pp.) of capital importance on the state of the French roads, rivers, and canals early in the year II. One would give much for a British equivalent. A few samples of its contents may be quoted:

Dep<sup>mt</sup> of Corrèze; Paris-Toulouse road: 'les parties qui sont en sable peuvent se dégrader pendant l'hiver, et il est essentiel de construire des chaussées d'empierrement dans les endroits les plus mauvais' (p. 40). Dep<sup>mt</sup> of the Somme: 'grande route de Paris en Angleterre, par Amiens, Abbeville . . . est considérablement fatiguée,

tant par les transports . . . pour l'armée que par le nombre extraordinaire de voitures chargées pour le compte du commerce' (p. 317). 'Route d'Amiens à Cambrai. . . La chaussée de cette route a été construite sur trop peu d'épaisseur, et par conséquent se rouage facilement. . . Le second pont de la traverse d'Albert est dégradé', &c. (p. 320).

It all reads rather like some memorandum of 1916,

There follow reports on agricultural wages and the harvest of the year II (76 pp.). They are valuable but not statistical. In most cases, it appears, local authorities, in response to instruction and an inquiry, sent only 'un pur et simple accusé de réception, accompagné parfois de protestations de zèle' (p. 366). In such reports as were sent remarks such as the following are typical :

nous avons été obligés, frères et amis, de faire quelques exemples pour dissiper l'espèce de coalition que les ouvriers avaient faite entre eux de ne pas travailler au prix du maximum (p. 381). Pour détruire entièrement . . . la paresse, est venu l'arrêté du représentant du peuple Milhaud, du 5 messidor, qui condamne à la peine de mort ceux qui se refuseraient aux réquisitions des autorités constituées pour les travaux de la récolte [p. 363 ; and there are good French scholars who argue that the French and Russian revolutions have no points in common!]: enfin, par une dernière mesure révolutionnaire, il a été arrêté que tous les ouvriers des cantons où la moisson était achevée seraient tenus de se rendre dans les cantons qui . . . ne font leur récolte que beaucoup plus tard (p. 401).

Among the notes and documents at the end of the volume is a memoir on the royal foundry of Indret, which was directed by the Englishman Wilkinson before the Revolution, and a curious report on agriculture and cattle-breeding in the district of Bapaume in the year II. The three-field rotation prevailed there, but towards the department of the North green crops were being grown on the fallow (p. 492). Round about Lille fallow was extinct (p. 493).

M. Tuetey's volume of the correspondence of the minister of the interior should appeal to non-economic historians, for most of the letters are Roland's. Their content is as a rule highly technical, but they show the experienced Roland at work. They are, M. Tuetey tells us (p. 1), the sole series of the kind which has survived from the revolutionary age, which adds to their interest. Roland's main pre-occupations were the food situation, appeals of inventors and manufacturers for privileges and assistance (generally rejected by him on principle), questions of bounties and drawbacks, and the state of the prisons. He corresponds at great length with his corn-buyers in Genoa, Amsterdam, and London. London proved the most satisfactory market. His agents there were MM. Bourdieu, Chollet, et Bourdieu, and they handled nothing but wheat, of which considerable quantities left the United Kingdom for France throughout these months. When, in the autumn, a fresh buying campaign was opened Roland bought in London only. A few cargoes of salt beef were secured there also.

The food once secured, its distribution gave the minister trouble, though he kept careful lists of what was sent to each department (pp. 453 *seqq.*) ; and as the year wore on competition between civil and military needs complicated his task. Roland was all activity ; he watched the bread as well as the corn ; he kept an eye on the fuel supplies of Paris ;

he gave or refused leave to hold fairs and markets; he made rulings on the enclosure of commons (p. 180); and he was constantly pressing for prison reform. There is one short circular about prisons on which M. Tuetey makes no comment. It is addressed to the concierges at l'Abbaye, la Force, the Châtelet, the Conciergerie, Saint-Pélagie, and Bicêtre: it is dated 15 September 1792, and it asks for a list of prisoners and of the warrants in virtue of which they have been imprisoned. Roland was thirteen days late with his inquiry.

His style and temper are well illustrated in the following extract from a long letter to his trusted corn-buyers in London. There had been some irregularity, and he breaks out—'Au surplus ne soyez pas étonnés de la sévérité de ces observations. Placé pour surveiller les intérêts de la Nation, je dois exiger pour elle les procédés les plus réguliers et la justice la plus exacte', &c. (p. 478). Like other exact administrators he was annoyed with the working of economic law, and when he heard that there was already a cash price and an assignat price for corn, he instructed his agents to prohibit such differences and to insist on respect for 'une monnaie qui mérite toute la confiance publique et qu'il convient à tout le monde de ramener à sa véritable valeur' (p. 94).

It is curious to notice that in February 1791 there was trouble with the British ambassador, Lord Gower, about some cotton which a British subject had bought in Normandy. The carts had been pillaged *en route*. No doubt this was a reason for complaint, but in fact—under the British Navigation Law—it was quite illegal for this Mr. Thomas Allingham of London to ship cotton from Havre at all. Possibly he meant to smuggle it.

M. Adher's collection of Toulouse hospital and poor law documents has a narrower interest than Roland's letters. But it covers a far longer period and reflects an entire historical episode. We see a great provincial town abundantly supplied with ill-regulated charitable institutions, almshouses, soup charities ('bouillons des pauvres'), infirmaries, foundling hospitals, and so on. They were maintained by a mass of rather slipshod little endowments of all sorts. The first revolutionary changes cut into these. The Hôtel-Dieu of Toulouse had lost by June 1791 a royal charity dependent on the *gabelle*, a sum due from the chapter, another from the archbishop, something from the octrois, certain exemptions from taxes, and so on (pp. 36 ff.). Then came the law of 23 Messidor an II (11 July 1794) ordering the sale of hospital property. Losses were imperfectly compensated from general departmental funds. Similarly the well-established system of relief work for the unemployed on road-making and municipal building crumbled when neither new roads nor new buildings were being undertaken (pp. 506 ff.). In country districts, too, old endowments melted and new forms of relief were but slowly organized (pp. 549 ff.). For instance, at Pompignan, 'Il semble bien établi que les Lefranc, le poète et son fils, aient de tout temps recherché le rôle de seigneurs bien-faisants. . . . Ces relations amicales ne purent d'ailleurs sauver ni les institutions charitables ni les riches collections de tableaux créées par le père et le fils' (p. 577).

On the other hand, medical activity increased if anything, and certainly never slackened. The nursing sisters appear to have gone on with their

old work, but they often had to change their clothes, being 'laicized' so far only. In Brumaire an IV (November–December 1795) the law of Messidor an II was suspended (p. 122), but nothing happened. The whole story was reported on (p. 230) in Ventôse an VIII (February–March 1800). Under a law of Vendémiaire an V hospitals might really get the equivalent of their property back, but most of those in Haute-Garonne did not, partly because nearly all of their former possessions had already been sold, and there was not enough national property in the district in hand to replace them, partly because individuals who owed rent-charges to the hospitals 's'étaient empressés de se libérer, en papier, entre les mains de la nation'. So the whole finance of poor relief had to be overhauled during the consulate.

J. H. CLAPHAM."

*Le Saint-Siège et la Russie: leurs Relations Diplomatiques au XIX<sup>m</sup> Siècle.* Tome i. 1814–1847. Par ADRIEN BOUDOU, S.J. (Paris: Plon, 1922.)

IN this volume Fr. Boudou is continuing the five-volume work of the late Fr. Pierling on the relations between Russia and the papacy from the council of Florence to the reign of Alexander I. Fr. Pierling, who died in February 1922, definitely regarded Fr. Boudou as his successor in this work, and assisted him with his great learning and his experience of nineteenth-century Russia. Fr. Boudou has had access to all the diplomatic correspondence—including drafts of papers—in the Vatican archives; from these archives he quotes at length and gives full references. He has added a complete bibliography of manuscript and printed sources. His work is therefore of the first importance for the ecclesiastical side of Russian diplomacy of the last hundred years. The main subjects dealt with in this volume are the Congress of Vienna, the Polish revolution of 1831, the attraction of large numbers of Greek uniates into the Orthodox church in 1839, the bureaucratic persecution of the catholics between 1839 and 1845, and the long negotiations for a concordat which followed the interviews between Gregory XVI and Nicholas I in 1845.

The chapters of the greatest general interest are those dealing with the Polish revolution of 1831 and the interviews of 1845. Fr. Boudou is anxious to clear the reputation of Gregory XVI from the charges made by Lamennais in the *Affaires de Rome*. He points out the extraordinary difficulty of the situation. Gregory XVI found himself, with a revolution at his own gates, asked by Lamennais to throw the whole weight of papal approbation into the cause of liberalism, and asked by the governments to suppress the activities of Lamennais. The Polish episcopate had compromised itself by undoubted, and indeed avowed, complicity in the Polish revolt, and the Russian government threatened to make impossible the continuance of any catholic or uniate organization in Russia or Poland if the revolution was not officially disavowed. Lamennais went so far as to assert that the pope, in his undignified readiness to submit to the Russian demands, allowed Gagarine, the Russian representative at the Vatican, to erase from the draft of the Brief of 9 June 1832 the text 'Bonum certamen fidei certate'. Fr. Boudou proves from an examination of the

draft in question that the erasure was made by Gregory himself ; there is no evidence that the draft, as distinguished from the brief itself, was ever shown to Gagarine. Gregory in fact would not have wished to establish so dangerous a precedent. But if Lamennais is convicted of accepting unreliable backstairs evidence, the pope is not acquitted of bias. In fact, the care taken to avoid hurting the susceptibilities of the tsar is in glaring contrast with the unnecessary harshness shown to Lamennais. It remains true that the tsar had an army, and Lamennais had only a theory of liberty. The contrast is not less striking if we compare the actual interview between Gregory and Lamennais with the meeting of pope and tsar in 1845. Fr. Boudou bases his account of the conversations with Nicholas upon the confidential summaries made by Cardinal Acton, who acted as interpreter. Perhaps Fr. Boudou may have seen a copy of a picture of the first interview ; in this picture (at present belonging to Lord Acton) the pope is represented as lecturing a somewhat downcast tsar. Both parties were outwardly cordial, but the ominously long list of ' points non convenus ' appended to the concordat of 1847 shows how unreal was the cordiality, and how little the papacy gained from it. It is clear that the successive volumes of this work will be of the greatest value, and that Fr. Boudou realizes the practical importance of bringing them out as quickly as possible. He would do well to make a more extensive use of the secular authorities of indirect importance. Thus he might have quoted—when he was dealing with the negotiations for the concordat—Countess Nesselrode's letter to her husband from Rome in March 1846 : ' L'antipathie qu'on a pour nous ici est inconcevable ; nombre de personnes se montrent fâchés de ce que le Pape nous ait donné satisfaction. . . . Un Polonais de haute naissance a dit que, si nous nous rapprochions du Saint-Siège, les Polonais n'auraient plus qu'à se faire protestants.' E. L. WOODWARD.

*The Holy Alliance : The European Background of the Monroe Doctrine.*

By W. P. CRESSON. (New York : Carnegie Endowment for International Peace, Division of International Law, 1922.)

DR. CRESSON was formerly secretary of the United States embassy at Petrograd, and he was able to spare time from his official duties to examine the dispatches that passed between Russia and America during the period of the ' Holy Alliance ' : a notable example for other diplomatists to copy. Unfortunately, however, a diplomatist does not become a historian by merely wishing to become so, and in spite of the fact that Dr. Cresson had the advice of Professor Golder, whose researches at Petrograd are well known, he apparently lacked the training and knowledge necessary to elucidate the documents which he discovered. The original dispatches from Petrograd form only a small portion of the monograph, which is mainly a disquisition on the ' Holy Alliance ', and an analysis of the policy of Alexander. The new documents which it contains are small in number, and do not throw very much new light on the period. Alexander's interest in the United States was natural, but it did not form an important part of his policy, and thus the dispatches between Petrograd and Washington (and Dr. Cresson has also examined some in America) do not reveal very

much about his attitude towards European problems. Dr. Cresson has also included extracts or *précis* in translation from some of the Russian manuscript documents of the congresses. One or two are not without interest. But he has not read sufficiently widely to relate them to their contexts. One, for instance, on the Spanish colonies which he quotes extensively from the manuscript had long been in print in the *Wellington Supplementary Dispatches*.<sup>1</sup>

As regards the wider aspect of the book, Dr. Cresson has apparently been inspired more by recent events than by his own studies, and the book is written with the avowed belief that it supports the doctrine of American isolation. So important a conclusion surely merits a very careful examination of all the evidence available, and this Dr. Cresson has not been able to give. He could scarcely be expected to learn Russian, but it is a serious defect that he apparently knows no German either. Schiemann's study of Alexander as well as Fournier's contributions are thus unknown to him. Even more curious is his ignorance of British investigations of this period. Professor Alison Phillips's book he only knows in its first edition, while Stapleton is his only authority for Canning. He has never heard apparently of Mr. Temperley's work, and the Wellington and Castlereagh correspondence, which are indispensable to the problems which he is discussing, are not mentioned in his bibliography or copious notes. He has read more French authors, but not one or two of the most essential works. It is not, therefore, surprising that Dr. Cresson should make such misstatements as that 'only the return of Napoleon from the Island of Elba restored a semblance of harmony to the debates' of the Congress of Vienna, or that a mediation between Spain and the Spanish colonies was actually undertaken by the council of ambassadors in 1817-18. This is a great pity, for if Dr. Cresson had confined himself to the publication and study of his new material he might have made a useful contribution to historical knowledge.

One last word should be said as to the publication of this monograph in its present form. Though an historical study it is issued under the auspices of the International Law Division of the Carnegie Endowment for International Peace. One cannot conceive that the Historical Division would have made itself responsible for the publication.

C. K. WEBSTER.

*James K. Polk. A Political Biography.* By EUGENE IRVING McCORMAC. (Berkeley, California: University of California Press, 1922.)

It is certainly strange, as Professor McCormac remarks in his preface, that President Polk should be omitted from 'the two standard sets of American biographies'. It raises a problem which seems to have haunted the biographer throughout his task. Was Polk a great man? If so, why has his name disappeared into comparative obscurity? It was certainly associated with events of the greatest importance in the history of the United States. Polk annexed Texas, New Mexico, California, Oregon. Next to Jefferson he was the principal maker of the United States in its territorial

<sup>1</sup> See *ante*, xxx. 833, where the British answer is also given.

form, and he proclaimed a more extended doctrine of 'America for the Americans' than Monroe himself. There is no doubt, as Dr. McCormac points out, that both his personality and circumstances were unfavourable to his chances of lasting fame. 'He possessed little personal magnetism,' 'his uncompromising independence dissatisfied all factions; and consequently he had no personal following to perpetuate his memory', and, more important, the discord between North and South assumed a new seriousness in the years immediately following his retirement from office and his memory was soon forgotten. But though Dr. McCormac's sympathetic, yet impartial, account of Polk shows him as a painstaking and conscientious administrator, hard working and well intentioned, anxious to uphold the reputation and to serve the interests of his country, it does not show him as a man of eminence.

If circumstances were unfavourable to his memory after death they were certainly favourable to his advancement in his lifetime. He took to a political career and, as a convinced Democrat, he was fortunate to live during the long period of Democratic ascendancy. He was fortunate in his friendship with Andrew Jackson, to whom he rendered good service in Congress during the struggle with the second United States Bank. And he owed his nomination as the Democratic candidate for the presidency in 1844, not to the distinction of his political career either as speaker of the house of representatives from 1835 to 1839 or as governor of Tennessee from 1839 to 1841, but to the fact that the Democratic party could not unite on any of its more eminent leaders. His handling of the foreign relations of his country, during both the dispute with Mexico and the dispute with Great Britain about Oregon, does not seem conspicuous in ability, wisdom, or tact, and his apparent lack of interest in the slavery question seems to argue some lack of imagination in view of the prominence into which the results of his policy were to bring it.

One is left with the impression that history has not been very unfair to President Polk, that he was not one of America's great presidents, and that it is the accident of fortune, and not the force and foresight of his genius, which has associated his name with great events. At the same time he was a good servant of the state: his public spirit is well brought out in the interesting chapter on administration and patronage, his industry and the strength of his political convictions in the whole story of his political career, and we may add that he is fortunate in his biographer, for Dr. McCormac has produced a very interesting book, well written and well planned. It represents a great deal of work, but, long as it is, the interest is sustained throughout.

E. A. BENIANS.

*Life and Letters of Sir Wilfrid Laurier.* Two vols. By OSCAR DOUGLAS SKELTON. (Toronto: Milford, 1922.)

TWENTY years ago few countries seemed to have a stronger party system than Canada; in few did political feeling run so high. Conservative families would not suffer the *Globe* newspaper to appear at the breakfast table, liberal stalwarts baptized their sons 'Richard Cartwright' or 'George Brown' to guarantee their continuance in sect and party alike. Religious

sectarianism was one source of the two-party system's strength, while another was, it seemed, to be found in the dual organization by provinces and by dominion, and any attempt to found a third machine appeared as hopeless as events have proved it in the United States. Yet it is doubtful if this apparently overwhelming strength of the party division was in reality much more than the effect of two remarkable personalities, Sir John Macdonald and Sir Wilfrid Laurier. Each stayed in power through the life of several parliaments without much of a programme; the legislative ideas of each would have filled only three or four sessions at Westminster. Macdonald's strength was in his unrivalled skill as a tactician, in his grasp of men, in his personal relationships, while Laurier's lay in his adherence to a simple and comprehensible set of principles, in his personal distinction and integrity. Given the fact that the government in Canada had, by force of patronage, a steady advantage in any election over the opposition; given an absence of really important issues, a concentration upon material prosperity almost to the exclusion of ideas, and a prime minister who was a good party disciplinarian, an imposing figure, and who could not be accused of rash experiments—then Laurier's long tenure of office, like Macdonald's, becomes intelligible. Macdonald died in power and his followers quarrelled. Laurier lived long enough to see the formation of new political groups, French-Canadian nationalism (which he virtually outlived) and the Farmers' or 'Progressive' organization which has not yet run its course. Prime minister for fifteen years, the most impressive figure in Canadian public life, in the end he was leader only of the fragment of a party, and virtually powerless outside Quebec.

Professor Skelton does not try to explain the phenomenon of Macdonald's success; Laurier's he regards as the victory of political virtue, and he sees no reason for the ultimate fall save in misrepresentation by opponents, racial feeling, and what he calls 'imperialism'. He has provided materials for the study of Laurier's public life as a whole, he has established Laurier's consistency, but he does not admit that the views formed between 1870 and 1885, and applied partially in the nineties, might with some reason be held unsatisfying between 1911 and 1918. One is inclined to regret the tradition of political biography, that the author should almost invariably side with his subject, for it leaves so much unexplained. Most readers will prefer Mr. Skelton's first volume, bringing the narrative to Laurier's victory in 1896, to his second.

Laurier throughout was a whig. In 1876 he read the life of Macaulay and turned to Macaulay's History, where he found his own principles anticipated. Liberty, religious tolerance, the growth of Canadian unity, a somewhat lower tariff, made up his unchanging programme, and he shared Macaulay's admiration for modern commercial development. He never showed any grasp of the special difficulties confronting modern society, he had no views on industrial questions, and he offered very little to the problem of Canada's constitutional relations with the empire save the simple maxim of letting well alone. He entirely failed to grasp the magnitude of the late war, in October 1914 predicting to a recruiting meeting that 'some few of the regiment' being raised would fall in Flanders; in the same month he made a confident prediction that England would never try

conscription. His strength had lain in his simplicity of view, his weakness was that he was blind to the growing inadequacy of the whig position in a new world. So instead of putting himself at the head of floating and uncertain dissatisfaction he left it to others to express and organize. Canada moved while he stood still, and he fell back upon the conspiracy theory of politics, holding that secret forces were tilting the balance against him. In 1917 he wrote, 'Canada is now governed by a junta sitting at London, known as "The Round Table" with ramifications in Toronto, in Winnipeg, in Victoria, with Tories and Grits receiving their ideas from London'. Mr. Skelton shares Laurier's view.

His pictures of electioneering in Canada and his estimate of the forces at work in the years 1909-11 may surprise an English reader, but are on the whole moderate and fair. In 1911 financial interests were mobilized against the reciprocity treaty; nationalists in Quebec denounced Laurier as an imperialist, conservatives in Ontario attacked him as a separatist, and in neither case was the sole reason French-Canadian or British patriotism. But the liberal failure had other causes than the temporary coalition of permanent enemies, and at these Mr. Skelton merely hints. The government had not remained as clean as it began; no one suspected Laurier himself of corruption, but he trusted his subordinates often more than they deserved; he lacked the passion for detail and for administrative efficiency that alone could have prevented barnacles from gathering upon the ministry.

If one feels that Mr. Skelton is rather too much a partisan in his treatment of some questions, it does not alter the fact that his book is a solid contribution to Canadian biography, and one that increases the debt already owed him. His picture of sectarianism in Canadian politics, first in the guise of ultramontaniam crushing the *Institut Canadien* by measures hardly credible to English readers, later in Ontario as a protestant movement, with an orator demanding for state-aided schools 'the Bible, the whole damned Bible', is excellent. The constitutional issue of provincial rights gets fairly full treatment, and the whole narrative of the rise and fall of the liberal party is valuable. Canadian biography is progressing from the stage marked by many of the 'Makers of Canada' volumes, and Mr. Skelton is a leader in its forward movement.

E. M. WRONG.

## Short Notices

In his pamphlet, *The Newton Stone and other Pictish Inscriptions* (Paisley : Gardner, 1922), Mr. F. C. Diack successfully disposes of some absurd hypotheses that have been from time to time put forward with regard to the ogham inscriptions of Pictland in general and the Newton Stone in particular. For the future there can be no question that the system of ogham script used is identical with that familiar from Irish inscriptions, and that the non-ogham inscription on the Newton Stone is in a variety of Latin cursive. The language of both the Newton Stone inscriptions is equally certainly Goidelic. The latter fact merely confirms what was known before, that a Goidelic dialect was spoken in at least part of Pictland in the early centuries of our era. It naturally does not prove that a Brythonic dialect or a non-Celtic language was not also spoken in other parts of Pictland. From the linguistic point of view ogham inscriptions have little to tell us, and the ogham inscription of the Newton Stone does not make an exception to the rule. Two points of general interest, however, present themselves. The use of Latin script in the north-east of Scotland at the end of the fourth century (the date which Mr. Diack assigns to the older of the two inscriptions) can be explained in one of two ways. Mr. Diack assumes that the use of the script was general and the result of close intercourse between Pictland and the Roman province. This explanation involves considerable modification of the current view as to the extent to which the north of Scotland was affected by the Roman occupation, and is unnecessary. The Newton Stone example of Latin cursive is quite isolated and can be simply accounted for as the work of a native of the district who had served in the Roman army and acquired a knowledge of Roman script. The other question suggested by the Newton Stone is this. It has been always assumed that ogham inscriptions on stone monuments are sepulchral and record the name of the person buried beneath. With regard to the great majority of ogham inscriptions in Britain and Ireland no exception can be taken to this explanation. But when, as in the case of the Newton Stone, we find on the monument as many as three names standing in no apparent relation to one another, it is difficult not to think that the inscriptions and the monument must have served some other purpose, for the idea of multiple burials in one grave and commemorated by one monument can scarcely be entertained. A suggestion shortly to be published by Mr. Plummer seems to dispose of the difficulty.

J. F.

Signor C. A. Garuffi has edited the *Necrologio del Liber Confratrum di S. Matteo di Salerno* (Rome : Istituto Storico Italiano, 1922). This book

is a publication with notes of a manuscript preserved among the archives of the church of S. Matteo in Salerno. It consists essentially of two parts: the *necrologium* of the Confraternity, with entries from the eleventh to the fourteenth century, and the *Liber Confratrum* covering the eleventh, twelfth, and thirteenth centuries, with a few later entries. More than sixteen thousand names are recorded, and of these by the industry of the editor a considerable number have been identified: the rest are indexed under the heading *Nomi non Identificati*. Such a register is obviously a valuable source for history, and the *Istituto* has done well to make it accessible in this series of *Fonti per la Storia d'Italia*. It is primarily a book for the special student: the ordinary reader, whilst admiring the learning and industry of the editor, is not likely to do more than to feel the general appeal of his preface: 'Quanta storia non ci richiamano alla mente, quanta vita non ci rievocano molti di quei nomi, . . . !' O.

*La Vie de Saint Thomas le Martyr* by Guernes or Garnier of Pont-Sainte-Maxence loses much of its historical value as a result of the study devoted to it by M. E. Walberg for his definitive edition (Lund: Gleerup; London: Milford, 1922). M. Halphen, in an important paper published in the *Revue Historique*<sup>1</sup> in 1909, had already argued that the French poem was not the source of Grim's work, but was based upon the biographies of Grim and Roger of Pontigny. M. Walberg, who has gathered together in his introduction the results of investigations previously published in several learned periodicals, carries the argument further. He has examined afresh the dates and relations of all the lives collected by Robertson, and concludes that Guernes's work is simply a conflation, with a few additions and amplifications, of Edward Grim (1172) and William of Canterbury (1173 or early 1174). It was composed at the end of 1174 and was used (1176-7) by Roger of Pontigny, who also had Grim's life before him. As Guernes tells us, he wrote his poem at Canterbury, 'e mainte feiz le list a la tumbre al barun'. His chief addition (ll. 3986-4540), less than a twelfth of the whole, relates to the various interviews and conferences between 1165 and 1170 in France. This section, though confirmed by contemporary correspondence, is for the most part an independent contribution. Apart from a *résumé* and criticism of the Constitutions of Clarendon (l. 2391 ff.) the only other important details peculiar to Guernes are the alleged attempt of Henry II to withdraw his approval of Becket's election to Canterbury (ll. 491-504); further information on the embassy sent to demand the pallium from the pope (ll. 596-640) and on the council at Northampton of October 1164 (ll. 1471-1505); a curious passage on the actions of the archdeacon of Salisbury at Corbeil in 1169 (ll. 2291-2320) and a direct attack on Archbishop Roger of York as an accomplice in the murder of St. Thomas (l. 5126 ff.). M. Walberg's minute analysis of the relations and contents of the poem by no means exhausts the importance of his historical work. Every one who has to concern himself with the literature on St. Thomas will find him an indispensable guide. His laborious historical notes are generally helpful and sometimes acute and suggestive. We have noticed only one serious blunder. In a note on the later history

<sup>1</sup> cii. 35-45.

of the murderers of the archbishop (p. 296) he extends the privilege of clerical immunity to the murderers of a clerk: 'suivant les principes pour lesquels Becket lui-même avait lutté et succombé, le crime ayant été commis sur la personne d'un clerc, la sentence ne pouvait être prononcée que par un tribunal ecclésiastique.' It must be remembered that M. Walberg, while putting historical students under considerable obligations to him, is primarily engaged upon a big philological task, which he would seem to have accomplished with great skill. He has worthily achieved what Paul Meyer long hoped to do, and his edition, with its extraordinarily full critical apparatus, glossary, and index, definitely supersedes the old editions of I. Bekker and C. Hippeau.. F. M. P.

Baron Octave Georges Lecca has published a pamphlet on the *Formation et Développement du Pays et des États roumains.—La Valachie aux XIII<sup>e</sup> et XIV<sup>e</sup> Siècles, la Moldavie au XIV<sup>e</sup>* (Paris: Champion, 1922). He thinks that the history of Wallachia began, not with Radu Negru in 1290 (as Xénopol and others have believed on the faith of chronicles and tradition, confirmed by documents of the seventeenth century), but some sixty years earlier. He considers that the tradition of Radu Negru was formed from the exploits of several voivodes of the fourteenth century, particularly Basaraba II, and that there was no such person. Professor Jorga in the latest edition of his *Histoire des Roumains*<sup>1</sup> likewise omits Radu Negru from his list of Wallachian sovereigns, the first of whom he places at 1247. On the simpler point of the origin of Moldavia Baron Lecca agrees with Xénopol. The pamphlet shows considerable research, and contains five maps and two tables of Wallachian and Moldavian rulers, which may be compared with those of Dr. Jorga. The author reminds us that the word 'Wallachia' has never been used by the Roumanians, but is of foreign origin, just as 'Jugoslavia' in our time is current rather in foreign than Serbo-Croat-Slovene circles. W. M.

The Newcastle-upon-Tyne Records Committee has published, under the able editorship of Mr. Hamilton Thompson, a volume of *Northumberland Pleas from the Curia Regis and Assize Rolls, 1198–1272* (Northumberland Press: Newcastle-upon-Tyne). This contains translations of all pleas relating to persons and lands in Northumberland entered on the Curia Regis Rolls or on Assize Rolls for divers counties in the reigns of Richard I, John, and Henry III. It might have been pointed out that the Latin text of some of them is to be found (though usually in an abridged and corrupt form) in *Abbreviatio Placitorum*, and that a few others appear in *Bracton's Notebook*. Mr. Hamilton Thompson has some interesting remarks in his introduction upon the garbled forms in which place-names and personal names are often entered on records of pleadings by 'clerks who thought in French and had no recognized standard of English spelling'. He adds that 'here and there an error in an initial letter may be due to the transcriber from whose MS. this volume has been prepared'. We suspect that transcribers' errors are not confined to initials. For example, on p. 34, 'the salting of Saioc and the fishery of Blume' should probably

<sup>1</sup> Second ed. (Bucharest, 1922).

read 'the salting of Snoc and the fishery of Blimue', names of which the modern equivalents are Snook and Blyth-mouth. The index, however, brings together corrupt and alternative spellings under the modern place-name, so that little harm is done so long as one observes the editor's caution that 'the conditions under which these rolls were produced make them untrustworthy as sources of material for the philologist'. All the important cases are described in Mr. Hamilton Thompson's excellent introduction, to which we can add nothing beyond noting the two records (pp. 30, 80) which establish the twelfth-century practice of holding county courts at Warkworth as well as at Newcastle. In using the book, it is well to remember that pleadings entered on the *Coram Rege* Rolls find occasional illustration in Feet of Fines and in entries on the Pipe Rolls.

H. H. E. C.

The sixteenth volume of the *Year Books of Edward II*, 7 Edward II, 1313-14 (Selden Society, vol. xxxix, London, 1922), contains a certain amount of material which directly interests the historian. *Well v. Cayley* raised the question 'what is a benefice?' (p. 53); *Waxande v. Delamore* comprises, in the Record, an extent of two Yorkshire manors, Winton and Birdforth. A comparison of the text in the two extents suggests that some words have been omitted in the description of Birdforth, and that the words 'quod valet per annum unam marcam', which puzzle the editor (p. xlix), refer to some definite bit of property, perhaps a dovecot, not to the manor itself (p. 182). The abbot of St. Nicholas of Angers *v.* the prior of Nocton illustrates the use of charter evidence, even of charters with broken seals (p. 126 in the Record). The history of Strathfieldsaye in Hampshire is partly written in the case of the abbot of Valmont *v.* the parson of Strathfieldsaye. *Clinton v. Ashby* shows us the traffic in wardships (p. 6). One remembers how at the end of the century Edmund Stablegate of Canterbury, whose wardship had been granted to Chaucer, himself bought the poet out. The important case of the King *v.* Boys reveals the king's attorney pleading the canon law on the question of pluralities in a common law court, and gives us a glimpse of a great Oxford scholar, Simon of Feversham. *Barford v. Bule and Wyneman* is by far the most amusing and interesting case in the book. We could not hope to have a better picture of the proceedings in a manorial court than the story of the much-delayed and essoined action in the court of the parson of Geddington. This, again, comes from the Plea Roll (pp. 191-8), and, like other records in this volume, strengthens the view recently expressed by Mr. H. G. Richardson, that for historical purposes the Record is more valuable than the Year Book.<sup>1</sup> In his introduction Mr. Bolland writes of the medieval sheriff and of the medieval law of surnames. His essay on the sheriff is not worthy of him. It is a good example of a fault in his work frequently noticed in this Review, his incorrigible indifference to historical literature. He says of the sheriff, 'why he was called *vicecomes* or *vicomte* is not apparent'. Not apparent where, or to whom? Again, he says of the extents and inquisitions by jury, 'I do not know what sort of surveying apparatus was in use.' It would seem that he has not

<sup>1</sup> *Transactions of the Royal Historical Society*, Fourth Series, v. 28.

heard of the village rod.<sup>1</sup> Again, 'people lived very much more in the open in those days than they do now, and orchards and gardens and farm premises were not enclosed within tall walls over which no man may see'. It would be rash to dogmatize on the height of medieval hedges and walls, but that walled enclosures could be seen everywhere should require no demonstration. Between 1291 and 1307 Henry of Bray built three walls on his manor at Harlestone, one by the road from his grange to his new garden, one round a courtyard, and one round the new garden.<sup>2</sup> The essay on surnames brings out some interesting legal points, some of which have been already mentioned by Mr. Turner, but would seem to have been written without any regard to Mr. Turner's much more helpful essay in his *Huntingdon Fines*.<sup>3</sup> F. M. P.

*Surrey Records Society, Vol. v (No. xvii) : Surrey Wills*, is a calendar of 329 wills proved in the years 1484-90 before the official of the archdeacon of Surrey, and entered in the oldest extant register of that archdeaconry. Many of the testators are poor persons, and not one appears to be of historical importance. But even the poorest have usually movable property to leave, and we often find in this calendar a list of household goods, plate, or garments which is of some interest. It may be also noted that, where live stock is bequeathed, its value in money is occasionally mentioned. Legacies in kind are far more numerous than legacies in money. No jewellery of any great value is mentioned, and little silver plate except in the form of spoons. One particularly opulent native of Kingston-on-Thames, by trade a blacksmith, bequeaths to his sons one dozen silver spoons, three cups (of which two are mazers), and a silver girdle (no. 30); an innkeeper of the same place leaves twenty silver spoons (no. 221). The subject-index, which is carefully compiled, takes special notice of all chattels that are mentioned in the wills, and also supplies explanations of the obscurer English terms which are quoted in the calendar. The compiler of the calendar appears not to have known that *bidens* is the Latin for a sheep (no. 39); and he quotes a strange piece of Latin in one place: *si opem mariatur*. This he renders: 'if he (the legatee in question) marries money.' It seems probable that the original text of the will ran: *si autem moriatur*. This at all events is the sense which the context suggests (no. 50). Mr. Kingsford has provided a short, but instructive, introduction.

H. W. C. D.

Mr. R. C. Anderson's edition of *Letters of the Fifteenth and Sixteenth Centuries* (Southampton Record Society, Southampton: Cox & Sharland, 1921-2) maintains the high standard set in previous publications of this society. Out of 145 documents printed, sixteen are of dates earlier than

<sup>1</sup> See, in addition to more obvious authorities, G. J. Turner, *Calendar of the Feet of Fines relating to the County of Huntingdon* (Cambridge Antiquarian Society, 1913), xciii ff. The work of the sheriff in the thirteenth century has been described in an excellent unpublished thesis by Miss M. A. Hennings (library of the university of London). Compare Miss Cam's work on the Hundred Rolls, in the *Oxford Studies in Social and Legal History*, vol. vi (1921).

<sup>2</sup> Dorothy Willis, *The Estate Book of Henry de Bray* (Camden Society, 3rd series, xxvii. (1916) 49, 50, 51).

<sup>3</sup> Turner, *op. cit.*, pp. xvii ff., especially xx-xxi.

1500; of these the most important is a letter signed by Warwick the King-Maker, one of only eight or nine extant examples. Several of the sixteenth-century letters are from Lord Howard of Effingham, lord admiral, who sharply contested certain claims put forward by Southampton. In a postscript to the mayor (15 December 1588) he writes: 'you wente the last tyme verie speedely oute of the towne but if you dispatche not theise things forthwithe, I will send for you w<sup>th</sup> heave an hoe'. The numerous letters from the lords of the council may usefully be compared with the printed edition of the *Acts*. Other letters are from foreigners, such as the Italian who is guilty of the blunder 'faciebitis', the German who gives 'hartie tankes', and the Dutchman who writes a curious mixture of English words and Dutch spelling. During the centuries covered by the letters Southampton was declining in importance. In the Yorkist period the walls were so feeble that they could not resist gunshot, and were even unsafe for the garrison to stand upon. In Elizabeth's reign the town was alarmed lest what was left of its trade should go to Portsmouth, where there was some talk (about the year 1572) of establishing a custom-house. The long controversy with the lord admiral over the disposal of pirates' goods went against Southampton in spite of the opinion of Plowden in favour of the town's claims (pp. 151-5). The letters are valuable not only for local history, but also for the light they throw on naval and commercial affairs: they contain chance allusions to many other matters, as for example the claim for a mortuary (p. 34), and the refuge afforded to pirates by the sanctuary at Beaulieu (p. 150). The introduction and notes are very full and helpful; here and there the queries are unnecessary, as on p. 13, note 8, where 'mowe' means, as usually, 'be able'. On p. 28 'acted and compelled' should probably be 'arted and compelled', as in the well-known passage of the *Governance of England*, where Fortescue speaks of the king as 'arted to fynde exquysite meanes of geytyng of good'. 'Mechliniae' mentioned in the styles of Maximilian and Charles (p. 37) should be Mechlin, not 'Mechlenburg'. 'Gonsalnes' (p. 7, no. 41) should be 'Gonsalues' or 'Gonsalves'. 'Tise lere' (p. 189) may perhaps mean 'this letter'. Attention may be drawn to Mr. Anderson's ingenious interpretation of 'skqvylars' (p. 85) as 'squealers', or players of bagpipes, a sense not noted in the *New English Dictionary*. C. A. J. S.

Though the important part played by the merchants of southern Germany in the commerce of the fifteenth and sixteenth centuries is well known, it will be news to many that they were actively concerned in one of the early expeditions of the Portuguese to India. This episode is the subject of an excellent little study written by Franz Hümmerich, entitled *Die Erste Deutsche Handelsfahrt nach Indien, 1505-6* (Munich: Oldenbourg, 1922). As soon as Vasco da Gama's discovery of an all-sea route to India became known, the merchants of Augsburg and Nuremberg, who had hitherto drawn their supplies of eastern products from Italy, opened negotiations at Lisbon for sharing in the commerce thus initiated. Their assistance was welcomed by the Portuguese, who were finding the equipment of the necessary fleets a great strain upon their limited resources and were particularly in need of the silver and copper which the Germans

were able to supply. As a result, the latter were allowed, in association with some Genoese merchants, to fit out three of the ships of Almeida's fleet of 1505. These returned the following year with full cargoes; but the Portuguese were now in less need of extraneous help, and their exactions much reduced the profits of their associates. The decision to make the spice trade a monopoly of the Portuguese Crown excluded foreign merchants from any further participation of this nature; and although the German mercantile houses put some money into the lading of the next fleet, it was mostly lost owing to mishaps to the ships in which they were interested, or swallowed up by freight expenses and the heavy dues exacted by the king of Portugal. Henceforward the Germans contented themselves with buying spices at Lisbon and Antwerp in the ordinary way. W. F.

The series of historical studies planned by Professor Shafaat Ahmad Khan, the head of the Modern Indian History Department of Allahabad University, makes a good start with Mr. Beni Prasad's *History of Jahangir* (London: Milford, 1922). The choice of the subject was a wise one, for a proper account of that important period of Mughal history has long been wanted; and he has treated it fully, impartially, and accurately. All the authorities, European as well as Indian, have been carefully examined, and the references to documents exceptionally detailed. The stream of narrative flows easily and pleasantly along, though at times its pace is somewhat leisurely. The author's conclusions are moderate and sensible, and he has rendered good service in refuting the legend that Jahangir contrived the murder of Nur Jahan's first husband. Some details may be questioned, such as the suggestion that the epidemic at Ahmadabad in 1618 was influenza, whereas the symptoms seem to point rather to the bubonic plague; and more light upon the financial and economic aspects of the reign would have been welcome. A full index rounds off the volume; while a map is also given (though it omits some places of importance mentioned in the text). Dr. Shafaat Ahmad Khan contributes an appreciative 'foreword'. W. F.

After a lapse of fourteen years publication of the Privy Council Register has been resumed; the final volume of the old series ended in December 1601, the first volume of the new *Acts of the Privy Council 1613-1614* (London: Stationery Office, 1921) does not begin until 1 May 1613, this break in the continuity of the register being due to the destruction wrought by the great fire at Whitehall on 12 January 1619. At first sight the most noticeable feature of this volume is its silence on some of the most striking events of the day. The recorded activities of the privy council lie mainly in the ordinary everyday task of keeping order, of arbitrating in disputes where the regular courts do not afford redress, of enforcing the royal patents and proclamations, of looking after the ever-complicated affairs of Ireland, and, above all, of trying to maintain stable and well-ordered economic conditions throughout England. We hear much of the cloth trade and the ideas that led to Cockaine's great scheme, of the English rights in 'Greenland, alias King James his New Land',<sup>1</sup> of the troubles of the

<sup>1</sup> Cf. the voyages of Robert Fotherby in *Purchas His Pilgrimes*, xiv. 61-91 (ed. of 1906).

London gilds and companies, and especially of the incursion of the company of French merchants into 'the towne of Mechanleth in North Wales' to the utter undoing of the drapers of 'Shrewsbury, Oswestree and Whitechurch in the county of Salope'. It is unfortunate that the editing is open to certain criticisms. The introduction tells us nothing of the nature or appearance of the original Register that is being dealt with; a list of the volumes of the Register that survived the fire of 1619 is given, but it is not pointed out that an entry in this volume (p. 86) gives some ground for believing that the register for 1612 was burnt not in 1619 but in 1612 or 1613, while it might have been mentioned that a list in the State Papers, Domestic, for 1636 proves that there had been recovered by that date one at least of the Registers that were believed to have been burnt in 1619. Moreover this volume is supposed to contain an exact transcript of the Register and yet marginal comments in the original often appear at the foot of an entry without any indication that that is not their proper place; and even this practice is not consistent. The editor expands contracted words equally without consistency; e. g. 'Ma<sup>ts</sup>' is always printed 'Majestie's', but 'Chamb.' is invariably expanded according to the modern spelling, though this particular clerk almost always wrote 'Chamberlen'. Finally the use of italics is nowhere explained: for example, on p. 82 the italicized '*Vacat. Intratur postea.*' is a marginal note like many others printed in ordinary type, while '*This is again entered on p. 91.*' is the editor's own comment. The italics in the list of the privy council printed on pp. 3 and 4 may be supposed to represent later additions in the original, yet the whole entry about Winwood is a later addition and is printed in ordinary type.

E. R. A.

Although the judicious reader may fail to endorse the claim put forward by Mr. G. H. Guttridge in the preface to his *The Colonial Policy of William III in America and the West Indies* (Cambridge: University Press, 1922) to originality 'in the matter of point of view from which events have been treated', his volume is a careful and useful restatement of the history, mainly based on the volumes of the *Calendar of State Papers*, which are especially rich in material for this period. Considering the title of his book, it is curious that Mr. Guttridge makes so little attempt to estimate the attitude of the new king towards the question of colonial expansion. A more serious defect is the neglect to treat adequately the subject of piracy, which would have lent colour to his somewhat arid narrative, and, at the same time, filled up a lacuna in Anglo-American history. A much more living picture of Bellomont might have been drawn from the materials at Mr. Guttridge's disposal; and, although he gives Hutchinson's *History of Massachusetts Bay* in his list of authorities, he ignores two anecdotes given in a note in that history which throw most vivid light both upon Bellomont's character and upon his position in the 'unco guid' community. We fail to understand the author's final conclusion that 'the measure of difference between that empire [the British], its nature and possibilities, and the other trade-empires, may be found in the present difference between the United States and the South American republics'. Neither the Spanish empire nor the Portuguese, so far as Brazil was

concerned, was a trade-empire ; and the difference between the respective fates of these empires is to be sought in the fact that the moral and intellectual standard of the Latin races became gravely weakened by the mixture of Indian and negro blood, and by the further fact that they had had no such apprenticeship in self-government, as had been the birth-right of the English colonists.

H. E. E.

Though much has been written on the political thought of eighteenth-century France, as a field of political research it is still rich in promise ; Holbach, to take but one striking example, still awaits an adequate biographer. Nor has any adequate study of the movement of ideas in the period been written. M. Henri Sée in his *Idées Politiques au XVIII<sup>me</sup> Siècle* (Paris : Hachette, 1920) has attempted the more modest task of compiling an anthology of passages which illustrate the more distinguished figures of the period ; and to these he has added brief introductions which are both adequate and accurate. The bibliographies are not always so satisfactory ; M. Sée does not mention, for instance, Professor Vaughan's monumental edition of Rousseau, nor Champion's admirable essay on Rousseau and the Revolution. He gives twenty pages to the jejune remarks of Mably, but nothing at all to the far more interesting precision of Morelly's *Code de la Nature* ; and one would have sacrificed much of the easily accessible Montesquieu and Voltaire to have had something from the remoter figures like Chastellux and Sébastien Mercier. Nevertheless, what M. Sée gives us is admirably chosen, and he has caught, in each case, the essential spirit of his authors. The volume ought to serve a useful purpose until reprints of the major writings of the period are again available.

H. J. L.

A small volume of 252 pages, *Peter Hasenclever aus Remscheid-Ehringhausen : ein Deutscher Kaufmann des 18. Jahrhunderts*, by Professor Adolf Hasenclever (Gotha : Perthes, 1922), contains interesting biographical matter with letters and memoirs of considerable importance for the historian of German, British, and American trade in the second half of the eighteenth century.

J. H. C.

In *The Parliamentary Papers of John Robinson*, edited for the Royal Historical Society by Professor W. H. Laprade (London, 1922), information is supplied which, on the king's instruction, the secretary to the treasury refused in 1742 to a secret committee of the house of commons. Largely on the strength of that refusal it has been widely assumed that the sums annually expended without account from the civil list and other Crown revenues under the heads of secret service and special services were mainly devoted to the systematic bribery of members of parliament. These papers do not support this view, but on the contrary dispose of a passage in George III's correspondence with Lord North which has been supposed to confirm it and furnish strong negative evidence for believing that the political expenditure of the Crown was confined to the purchase of close boroughs and contributions towards the election expenses of supporters. In the general election of 1780, according to these papers, the government's

intervention affected between thirty and forty seats and cost about £100,000, of which £30,000 was repaid by candidates nominated to boroughs owned or acquired by the government, £40,000 was obtained from an election fund accumulated by the king, and £30,000 was provided by means of an overdraft on Drummond's. A quarter of a century earlier, in the general election of 1754, intervention on a similar scale had cost a little over £30,000. As Lord Edgcumbe in 1780 was asking £18,000 for his six seats in Cornwall, while in 1754 he had accepted £1,200 a head for them, the increase is clearly accounted for by the rise in the cost of boroughs which was so marked a feature of the early years of the reign of George III. These were the moderate limits observed by Walpole and the Pelhams and learnt by Robinson himself while serving Lord North. In 1784 they were rudely set aside. Robinson had demonstrated, in an exhaustive analysis, that though nothing was to be hoped for from the existing house of commons, a general election might be expected to give the court a majority derived principally from the turnover in the rotten boroughs and Scotland. With this end in view, at certain meetings at Lord Advocate Dundas's 'preparatory to a new Parliament and Mr. Pitt's coming in', a list of over two hundred seats was drawn up, with their owners and prices, which might be secured by the government at a cost, excluding offices and 'arrangements', of £193,500. Robinson was profoundly shocked by the figure. 'A wild wide estimate of the money wanted for seats', he called it, 'but which I always disapproved and thought very wrong.' The result, of course, was the general election of 1784, still described, as Dr. Laprade points out, in authoritative works as an appeal to the people by 'the champion of purity at elections', 'looking away from the votes of a corrupt Parliament to the will of the nation'.

R. R. S.

No one will regret that Professor Carl Becker has written yet another book on *The Declaration of Independence* (New York: Harcourt, Brace, 1922). The volume is remarkable alike for subtlety of thought, for distinction of style, and for aloofness from prejudice. Mr. Becker emphasizes the point that the famous document is not really a declaration of independence—that had been already made by the resolution voted by the Continental Congress on 2 July—but a formal justification of an act already accomplished. Viewed from this side the effectiveness of Jefferson's methods is at once apparent. 'By subtle contrasts Jefferson contrives to conjure up for us a vision of the virtuous and long-suffering colonists standing like martyrs to receive on their defenceless heads the ceaseless blows of the tyrant's hand.' The colonists with consummate art are represented not as rebels against an established political authority, but as a free people maintaining their natural rights against a usurping king. In an elaborate examination of the text Mr. Becker shows how successfully Jefferson made thought and language to correspond. At the same time he is fully alive to Jefferson's limitations. He 'felt with the mind, as some people think with the heart. . . . He was ardent, but his ardors were cool, giving forth light without heat.' Again, 'it was beyond the power of Jefferson to impregnate the Declaration with qualities that

would give to the reader's assent the moving force of profound conviction'. It lacks 'that passion under control which lifts prose to the level of true poetry'. In the concluding chapter Mr. Becker deals with the philosophy of the Declaration, and shows how the eighteenth-century doctrine of natural rights was in the nineteenth superseded first by the Benthamite school, which made utility the test of institutions, and then by the historical school of Savigny and Ranke. Finally, after Darwin and his school had profoundly affected the views of contemporary thought, 'militant socialists, proclaiming anew the social revolution, and giving but a passing glance at the old revolutionary doctrine of the Declaration of Independence and the Declaration of the Rights of Man, found their "higher law" in nature and natural law indeed, but in natural law reconceived in the terms of the Marxian doctrine of the Class conflict'. It should be added that Mr. Becker is no less at home in his careful examination of the drafting of the Declaration.

H. E. E.

It would have been strange if the Americans had passed from a monarchical to a republican form of government without any voices being raised in favour of the old order, and perhaps the most striking conclusion in Dr. Louise Burnham Dunbar's comprehensive and well-arranged *Study of Monarchical Tendencies in the United States from 1776 to 1801* (Urbana : University of Illinois Studies in the Social Sciences, vol. x, no. 1, 1922) is that the monarchical sentiment in the country was very weak and rapidly disappeared. Hostile at first to parliament rather than to the king, public opinion was soon condemning not only George III but monarchy itself. Dr. Dunbar examines the various plans of a monarchical character that appear to have received consideration from persons of influence in the country in the years that passed between the Declaration of Independence and the Philadelphia Convention, including Colonel Nicola's propositions to General Washington in 1782 and the approaches that seem to have been made to Prince Henry of Prussia in 1787. The attitude of Washington and the successful framing of the constitution dispelled what little seriousness there had been in such ideas, and the later charges of monarchical tendencies that were brought against leading members of the federalist party during its period of power were more a matter of party politics than of real apprehension. The republicans of America, unlike the republicans of France or Holland, had never serious reasons to fear a restoration of monarchy.

E. A. B.

It is at first a little puzzling to find that the *Sixteenth Report of the Department of Archives for the Province of Ontario* (Toronto, 1921) consists of a university thesis by Mr. G. C. Patterson on 'Land Settlement in Upper Canada, 1783-1840'. Moreover, the first thirty-two pages contain a dull and unnecessary summary of Canadian history. When once, however, Mr. Patterson reaches his subject, he fully justifies his position by a most careful and elaborate study of a side of the history that played a great part in the making of Canada; a side, moreover, which has not hitherto received adequate treatment. Mr. Patterson approaches his subject without bias and avoids exaggeration; and, on the whole, in spite of

blunders and misdemeanours, the men who had the working of the system come out better from the examination than might have been expected. The most interesting portion of the volume is that which deals with the settlement scheme of Colonel Talbot, who might have found a place in the 'Makers of Canada' series. On the other hand, the treatment of Selkirk seems unnecessarily critical, though we must admit the Baldoon settlement was a failure. The chapters on the clergy reserves and Indian lands add little to previous knowledge; but for the rest of the volume Mr. Patterson deserves the cordial thanks of all interested in Canadian history. In dealing with a subject such as this it is no drawback that the author's style lacks distinction or grace.

H. E. E.

In *The Continental System: an Economic Interpretation* (Oxford: Clarendon Press, 1922) Dr. E. F. Hecksher reviews the evidence concerning the development of the theories and practice underlying Napoleon's great fiscal experiment. He traces them from the mercantilist period onwards through the revolutionary war, when the Jacobinical decrees of September 1793 and January 1798 (especially the latter) facilitated the confiscation of any neutral ship carrying British goods. The author criticizes British maritime law and custom both then and in the Napoleonic war. But he scarcely allows for the fact that in both wars the parallel to British action at sea was supplied by French action on land, not by French maritime action alone. The revolutionists and Napoleon both adopted the plan of arraying large parts of the Continent against Great Britain for the destruction of her industries and commerce. Her retort was a maritime blockade. At some points Dr. Hecksher manifests an anti-British bias. He states, for instance, that in the negotiations for the 'Eden' treaty of 1786 'the British forced compliance with practically all his demands, while the French allowed nearly all theirs to drop'—a great exaggeration. Also (p. 25) that in 1793–1801 and 1803–14 England 'decidedly led the way' in the rude treatment of neutral commerce—a statement generally inconsistent with the sequence of events; and (p. 79) that the peace of Amiens did not militate against her commercial position—whereas her restitution of all but two of the recently conquered French, Spanish, and Dutch colonies, coupled with Napoleon's continuance of prohibition for his own and controlled lands, involved the loss of very valuable colonial commerce. Further, he allows no credit to the Liverpool ministry for withdrawing the orders in council in June 1812, and passes almost without comment Napoleon's attack on Russia at that time. Very singular, too, is the conjecture (p. 369) that the British administration was more corrupt than any in Europe. This work contains little if any research in unprinted materials, but it furnishes a readable survey of the subject, a useful bibliography, and a suggestive comparison with the maritime, commercial, and vital problems of the winter of 1917–18, when it was written. P.

The fourth volume of part x of Dr. H. T. Colenbrander's *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840* (The Hague: Nijhoff, 1921) contains Dutch reports from 26 August 1830 to the rejection of the twenty-four articles on 14 December 1831, and the fifth volume

carries the history down to 1840, thus concluding the publication of documents of Dutch origin for the period. The earlier volume, drawn partly from state and partly from private sources, contains much unpublished matter about the Belgian revolution seen from the Dutch side. As Dutch authority was gradually withdrawn the reports of what was going on in Belgium grow fewer, and at the end of October, when it was confined to the citadel of Antwerp, they cease. But secret communications with individuals who favoured the Dutch side continued to be carried on, and these papers, which for obvious reasons continued to be kept secret, now see the light. The fifth volume, which is like the other drawn both from state and from private sources, supplies fresh information from the Dutch side on the making of the convention of 21 May 1833, the negotiations of Verstolk and Dedel in London in the summer of 1833, of Verstolk at Vienna in 1834, Zuylen's visit to London in 1835, and the Dutch proposal for a preliminary execution of the twenty-four articles in 1837. It appears that minutes of the cabinet council have recently been discovered. This body dealt with the Belgian revolt under the presidency of the king, and was distinct from the council of ministers which dealt with current business. These and earlier minutes of the same body will probably be published separately, together with the minutes of the council of ministers. But even then there remains, it seems, inaccessible material in the Royal House Archives and the Thorbecke papers. These volumes follow the excellent plan and get-up of those previously issued, and they bear every sign of careful preparation and editing. In one respect, however, it must be said that they are somewhat inadequate, that is, in indexing. In vol. iv, for instance, the subject-index contains a heading 'Public opinion in the North' which is followed by thirty-three groups of undifferentiated figures, nor in vol. v in the index of persons are the fifty-nine groups of undifferentiated figures which follow 'Palmerston (Lord) Engelsch minister' of much help in tracing any particular fact about him. H. L.

After having written a life of Bismarck,<sup>1</sup> M. Matter has undertaken in *Cavour et l'Unité Italienne*, tom. i, *Avant 1848* (Paris: Alcan, 1922), a biography of the chief founder of Italian unity. Much has been written in Italian, English, and German about Cavour, to the almost complete neglect of the Italian statesmen who followed him, so that to say anything new about him is difficult. The author has, however, had access to the unpublished correspondence of the French embassy at Turin and of the French consulate-general at Genoa, and specially bases his account upon Cavour's letters, articles, and speeches. The present volume, like that of Friedensburg,<sup>2</sup> deals with the preparatory stage of the statesman's career. We find the future maker of Italy, in no way distinguished, at school, getting 'mediocre for Italian literature', and caring only for mathematics. Neither as a page at court nor as an officer in provincial garrisons was he a success, and his long exclusion from his natural profession, that of politics, led him to devote some of his best years to farming and travel. His visits to England in 1835 and 1843 marked a permanent advance in his ideas. Peel and Cobden aroused his admiration, just as the poor-law

<sup>1</sup> See *ante*, xxi. 182, 810; xxiii. 413.

<sup>2</sup> See *ante*, xxvii. 173.

of 1834 inspired his first essay, composed in French, for the most eminent of modern Italians then confessed to Balbo that 'the Italian language was still a foreign idiom' to him. In default of politics, he took to journalism, and found in the *Risorgimento* newspaper a means of propagating his ideal of moderate liberalism in a united Italy. He considered journalism an excellent preparation for politics; indeed, three contributors to the *Risorgimento* became prime ministers. But, judged by a professional standard, Cavour was an indifferent journalist, as famous statesmen often are. The volume, which is most agreeably written, ends with the granting of the Albertine constitution, from which dates Italian parliamentary history and which threw open a new career to Cavour. The spelling of some of the English names needs correction, but the work can be read with much profit, especially by those who realize what a distance separates the Italy of 1848 from that of 1923.

W. M.

In his *Argonauts of '49* (Cambridge, Massachusetts: Harvard University Press, 1923), Dr. Octavius Thorndike Howe has pleasantly told the adventures of the emigrant companies that left Massachusetts for California after the discovery of gold. Based largely on manuscript journals, it opens up a new and important subject in the history of the American westward movement. One chapter is devoted to the overland companies; but most of the New Englanders went by sea, around the Horn, organized in semi-communistic brotherhoods (which invariably broke up within two weeks of their arrival at California), and on small, ill-found vessels that required anything from 160 to 260 days for the passage. The organization of the companies is humorously described, the voyages related in detail, and the fortunes of the 'argonauts' are followed to 'Frisco and the gold fields. The book is well written, well provided with documents, and beautifully illustrated; it deserves a place in the literature of maritime adventure, as well as on the historian's bookshelf.

S. E. M.

*The Provosts and Fellows of Oriel College, Oxford* (Oxford: Blackwell, 1922), by G. C. Richards and the late C. L. Shadwell, is mainly the work of Mr. Richards, who has, however, utilized some notes collected by the late provost of Oriel for a third volume of the *Registrum Oriense*. Mr. Richards has devoted special attention to the provosts and fellows of the pre-Elizabethan era; and among his appendixes we may mention particularly no. ix, in which, with the help of Mr. Walter Shadwell, he has attempted to construct a chronological list of the holders of each of the eighteen fellowships up to 1558. The biographical notices for this early period incorporate many quotations from the college muniments and the Lincoln and Canterbury registers. Throughout the book Mr. Richards has departed from the somewhat austere principle of the *Registrum Oriense*, that the main object of such a compilation should be to present 'every particular for which the College sources are the sole authority'. Mr. Richards does much more than this; and although his principles of selecting supplementary material are not very evident, he gives much welcome information, but too often from secondary works. He does not appear to account for the Mr. Morgan who appears once, in 1546, with the style of fellow of

Oriel.<sup>1</sup> Is it certain that the Powel who resigned a fellowship in 1555 is identical with the Howell elected in 1545? Or may he not be the Powell *subgraduatus* mentioned in 1552?<sup>2</sup> The account of Provost Belley (pp. 68-9) does not mention his will, which was proved in 1609 in the prerogative court of Canterbury.<sup>3</sup> We have noticed some chronological slips, as is inevitable in a work which contains so many dates. The slips are seldom of consequence; but it may be pointed out that John Daye (p. 84) died on 10 January 1627/8;<sup>4</sup> therefore his successor cannot have been elected on 8 January, as Mr. Richards states. The true date of the election appears to be 18 January.<sup>5</sup> In spite of such small errors, Mr. Richards has made a most useful contribution to the history of Oriel and of the university.

H. W. C. D.

M. l'Abbé Vacandard, in the fourth series of his *Études de Critique et d'Histoire Religieuses* (Paris: Lecoffre, 1923), has collected together eight short essays on subjects as far apart as the apostolate of St. Peter at Rome, the authorship of the *Imitation*, and the religious education of Corneille. The first essay—on St. Peter at Rome—is, in the author's words, no more than a detailed review; the reasons for its inclusion are interesting and significant. It is followed by a scholarly little account of the origin and growth of the legend of Pope Joan. The third essay discusses the so-called 'Prophecy of Malachi'. Here M. Vacandard, following Ménéstrier, Harnack, and Thurston, shows that the legend—which has gained a recent popularity from lucky hits such as 'Peregrinus apostolicus' for Pius VI, 'Aquila rapax' for Pius VII, and 'Religio depopulata' for Benedict XV—was forged about 1590. According to Harnack and Ménéstrier, the forger wished to further the interests of Simoncelli, bishop of Orvieto (Urbs vetus), in the papal election which followed the death of Urban VII. At all events nothing is known of the 'prophecy' before the time, and the oracular jargon of its forecasts becomes vaguer after Urban VII, and less capable even of a heraldic interpretation. The fourth, and longest, essay is a study of the life of St. Geneviève. This study does not pretend to be a new contribution to the subject, but it is a good summary of recent scholarship. Incidentally M. Vacandard seems to accept the view that Clovis from the date of his accession in 481 or 482, when he was only in his sixteenth year, must be held responsible for a definite policy of campaigns of conquest. The fifth essay is a refutation of the old legend that Joan of Arc escaped from prison and lived on as the wife of Robert des Harmoises. The story only survives among anti-clerical circles in provincial towns, and hardly deserves the serious erudition which M. Vacandard bestows upon it; but it is not so easy to refute the charge that the real Joan of Arc has been exploited in France by interests which are the reverse of catholic. The concluding essay, a study of Corneille as 'un élève des Jésuites', shows post-reformation catholicism at its best, and brings out the serenity and strength of a society the faults of which have certainly not been under-estimated by modern historians.

E. L. W.

<sup>1</sup> *Registrum*, i. 6-7.

<sup>2</sup> Venn, *Alumni Cantabrigienses*, vol. i.

<sup>3</sup> *Dict. of Nat. Biog.*, s.n.

<sup>4</sup> *Ibid.* i. 22.

<sup>5</sup> *Registrum*, i. 177.

The third volume of the *Inventaire Général des Archives Ecclésiastiques du Brabant*, by M. Alfred d'Hoop<sup>1</sup> (Brussels: Guyot, 1922), deals with the records of the abbeys of Brabant, twenty-six in number, and of two priories dependent respectively on the abbeys of Afflighem and Villers. A short historical introduction is given in each case. The lists include not only the documents at Brussels, but also those at the archbishop's palace at Malines, or in the custody of the existing houses of Afflighem, Averbode, Grimberghen, and Le Parc. The lists are in rather more detail than the corresponding lists of state archives, but the editor has wisely renounced any idea of listing the contents of charter-chests. Most of these houses suffered severely in the religious wars of the sixteenth century, and none survived the French Revolution, which brought about the dissolution of all religious houses in 1797-8. Afflighem is notable as the mother-house of Maria-Laach. Some houses, such as St. Gertrude's, Louvain, were limited to persons of noble birth. A curious custom is noted at the nunnery of Parc-les-Dames, where the young folks of Rotselaer and Wesemael, headed by a king and queen, invaded the abbey on the last day of carnival, and had a feast and dancing in the servants' hall. C. J.

The lectures which the late M. Auguste Lognon gave at the Collège de France in 1889-90 have been edited by M. François Delaborde under their author's title *La Formation de l'Unité Française* (Paris: Picard, 1922). In an eloquent preface M. Julian remarks that Lognon, had he tried, might well have written a great historical geography of France based upon his study of her place-names, her permanent territorial units (*cadres permanents*), and her administrative frontiers. These lectures represent, perhaps, the nearest point reached by him to a synthesis of the material which he had prepared on these three foundations of his subject before 1890; and they should be read in conjunction with the *Atlas Historique* and its *Texte Explicatif* (1907), which they both interpret and in a sense continue from 1380 down to 1871. They not only expound with great clearness and accuracy of detail the territorial changes from Capetian times onwards, but also present those changes as steps in the formation of a national unity which is more than mere agglomeration or administrative extension. Particularly interesting at the time were Lognon's views on some early factors of that unity: the rules fixing the succession to the throne in the male line; the solid work of the early Capet kings; the peace of 1258, 'un acte de haute politique', with its definition of the feudal relation of the English king to the French Crown; the acquisition, through Philip the Fair's marriage, of the county of Champagne, perhaps the beginning of a policy of extension eastwards. Realizing that the most lasting conquests were scarcely ever the result of great wars or remarkable victories, Lognon had studied the way in which royal policy harnessed feudal custom as well as fought it, and this has led him here to state the advantages of the much-decried policy of apanages, to approve the also decried feudal scrupulousness of St. Louis, and to demonstrate the importance of the system of *parages* in Languedoc and Guyenne where direct conquest was for the time impracticable. In coming to more modern

<sup>1</sup> See *ante*, xxxvi, 315.

times he wisely restricted himself to the facts and avoided wider speculation on the motives of French expansion : he stated the policy and the achievement, but further historical geography could not go. His careful editor, M. Delaborde, has put the lectures together very well and has given the book an excellent index which greatly increases its value. He has probably been right to eschew bibliographies which can be found elsewhere and which would have augmented the size and expense of the book ; but in places where Lognon himself quoted the latest work of research on a district he might have indicated in a note more modern additions to our knowledge of it, e. g. on p. 242 M. Paul le Cacheux's edition of the *Actes de la Chancellerie d'Henri VI concernant la Normandie sous la Domination Anglaise* (1422-35) might, among other works, have been cited.

E. F. J.

The eighth volume of *Essays and Studies by Members of the English Association* (Oxford : Clarendon Press, 1922), which Dr. G. C. Moore Smith has collected, contains, besides some charming essays of literary interest, an article by Dr. G. B. Grundy 'On the Meanings of certain Terms in the Anglo-Saxon Charters', based on materials for Berkshire, Hampshire, and Wiltshire, which will have interest, value, and practical utility for all those engaged on similar studies.

Q.

In the *Proceedings of the Royal Irish Academy*, vol. xxxvi (Dublin : Hodges and Figgis, 1921-3), M. l'Abbé Henri Breuil supplies some notes on the 'Chronology of Bronze-Age Sculpture in Ireland'. These are the result of an inspection, made under the guidance of Professor Macalister, of the principal bronze-age tumuli in that country which display ornamental sculpturing. M. Breuil's experience in the study of the engravings and paintings on the cave walls of southern France and of Spain enabled him to detect certain facts with regard to the superposition of styles and motives, from which inferences as to their sequences in time can be drawn. He discredits attempts to draw analogies between the petroglyphs of Ireland and those of Scandinavia, also attempts to derive Irish bronze-age art from Crete. 'All these analogies', he says, 'are due to the fact that the artists of the different centres began with a common European stock of tradition, and on this basis they developed each group on its own lines.' Mr. John P. Dalton has a monograph on 'Cromm Cruaich of Magh Sleacht'. Much of it is taken up with an attempt to identify the exact site of the idol as indicated in the Tripartite Life of St. Patrick. He then endeavours to penetrate the mystery of Crom's personal identity, and characterizes him as a thunder-god. It is certainly a remarkable instance of the persistence of pagan ceremonial, however transformed under Christian influence, that the celebration of Crom Dubh's Sunday, i. e. the last Sunday in July, approximating to the Lughnasad or festival of the god Lug, is still observed, or until recently was observed, in many parts of Ireland. There is also a paper by the late T. W. Westropp (whose death in the midst of his archaeological labours we record with regret) on 'The Mound of the Fiana at Cromwell Hill, co. Limerick', dealing largely with Crom Cruaich or Crom Dubh, with whom, and not with the Lord Protector, it seems that

the hill has been associated. He suggests that the name Crom Dubh was a Christian libel, and that Crom was really a pre-Celtic god of light, with whom Lug, the Gaulish god, was afterwards in some parts identified, but only in the same way as Lug was elsewhere identified with Mercury, and Mercury with Hermes. Mr. St. John D. Seymour has two papers, each dealing with a portion of the *Saltair na Rann*, a Middle-Irish poem to be dated near the close of the tenth century. The first concerns the 'Story of Adam and Eve', which Dr. Seymour epitomizes and compares with the two oldest of the Adam-apocrypha, namely, those contained in the Greek *Apocalypsis Mosis* and the Latin *Vita Adae et Evae*, on which the *Saltair* version appears to be partly based. In the second he epitomizes the 'Signs of Doomsday', and shows that the version is closely related to the seven-sign list in one of the *Blickling Homilies* written in the year 971, but both appear to have had a much earlier source in the *Apocalypse of Thomas*, which Dr. Seymour argues must have been known to the writer of the *Saltair* version. Dr. H. J. Lawlor calls attention to a 'Fresh Authority for the Synod of Kells, 1152' in a twelfth-century manuscript belonging to the library of the School of Medicine at Montpellier. It contains (*inter alia*) a list of the sees of Ireland as they were divided among the four metropolitans by Cardinal Paparo in the time of Pope Eugenius III. It embodies fewer blunders in the place-names and seems to be more nearly contemporary than any hitherto known. But the most important paper for the student of Irish history is that by Mr. Herbert Woods on 'The Office of Chief Governor of Ireland, 1172-1509'. He distinguishes the various titles by which the chief governors were known and gives the reasons for the distinctions. He then adds a complete list of the chief governors and their deputies, with exact dates, so far as ascertainable, during the period, all carefully compiled from records, many of which are no longer available since the lamentable destruction of the Four Courts in 1922. His list is more nearly complete and much more accurate than any that has hitherto appeared. We note, however, that Maurice fitz Maurice, justiciar in 1272-3, is called '3rd baron Offaly'.<sup>1</sup> G. H. O.

The volume of the *Transactions of the Royal Historical Society* for 1922 (fourth series, vol. v) contains an energetic statement by Mr. H. G. Richardson of the claims of the Plea Rolls as sources of historical information, pointing yet again to the danger which may lie in the dogmatic assertions even of so great an authority as Maitland when they are no longer tempered by the fine judgement of their author. In another paper Miss Scott Thomson in modest and useful fashion fills in the early history of the office of deputy-lieutenant. Mr. F. W. Buckler contributes a vigorously partisan, somewhat confused, but not uninteresting interpretation of the political theory of the Indian Mutiny. The remaining papers deal with such various topics as William Harbarne's embassy to Constantinople in 1583 (by Mr. H. G. Rawlinson), the relation of the Industrial Revolution to the movement for parliamentary reform (Miss G. Whale), and the government of the Gold Coast settlements in the later part of the eighteenth century (Miss E. C. Martin). R.

<sup>1</sup> But see *Journal of the Royal Society of Antiquaries of Ireland*, vol. xlv, pp. 105 ff.

The events of 1922 are surveyed by the *Annual Register* for that year (London : Longmans, 1923) according to the well-known plan and in the spirit of well-informed fairness which its editor is able to maintain even in these uneasy times ; nor does a criticism which we passed a year ago on the reviews of historical books remain applicable to the present issue. We are a little surprised to notice that the section on Greece closes with something very much like a prophecy, but it is astonishing that this invaluable work of reference contains so few slips of any kind. S.

With the veteran Sir John Keltie as its senior editor the *Statesman's Year Book* (London : Macmillan, 1923) has reached its sixtieth year of publication. The longer the series grows, the more useful each volume becomes, and the exceptional difficulties caused by the fluctuations of political boundaries—this year's map is of Ireland—are being admirably met and overcome. T.

The Massachusetts Historical Society's *Proceedings* (October 1921—June 1922), vol. lv (Boston, 1923), contain several items of no little value. There is a collection of letters from and to one Captain Hector McNeill, of the continental navy in the War of Independence, which throw light on the American naval system of the time. (Incidentally it is piquant to find Paul Jones writing for hair-powder.) Some letters from London merchants on the repeal of the Stamp Act are typical of the *via media* kept by this influential portion of the British community. The volume also contains a more detailed and authoritative account of the seizure of John Hancock's sloop *Liberty* than has hitherto been published. Apart from all this, the *Proceedings* are noteworthy for the singularly impressive tributes paid to the memory of Lord Bryce by Dr. Eliot and President Lowell at the February meeting of the society. H. E. E.

In *Annales de Bretagne*, xxxv, no. 2 (Rennes : Plihon et Hommay, 1922), M. H. Sée publishes a first instalment of what promises to be a work of some importance on ' L'industrie et le commerce de la Bretagne dans la première moitié du XVIII<sup>e</sup> siècle ' (pp. 187–208). It is based upon an elaborate memoir of the intendant Des Gallois de la Tour, the date of which M. Sée has already fixed at 1733. He makes it clear that the tract is likely to throw much light on a period of Breton economic history for which we have but few documents. In another article Dr. R. Fawtier writes on ' Saint-Samson, Évêque de Dol ', and deals with the criticisms passed by the Abbé Duine and M. Joseph Loth on his edition of the life of St. Samson, published as long ago as 1912, and attacked for its iconoclastic scepticism by these two authors soon after it saw the light. Other ' more dangerous work ' prevented M. Fawtier making an adequate reply during the war, but he now returns to the charge with a vivacity undiminished by the lapse of ten years (pp. 137–70). It may perhaps be permitted to doubt whether there is any point in Celtic hagiography of which we can be as certain as Dr. Fawtier is that Samson was not bishop of Dol. But in the light of the abbot-bishops of the insular Celts there seems no inherent improbability of Samson's not having had a similar position at Dol. That at least is the contention of M. Fawtier's antagonists, one of whom, M. Duine,

returns unrepentant to the charge in the addendum to M. Fawtier's article in his note 'Saint-Samson, Évêque de Dol' (pp. 171-86). But it is hard to form an opinion with so little solid basis for a definitive judgement. A provisional decision might well go in favour of the negative view despite the weighty authority of local and philological experts on the other side. In any case our debt to M. Fawtier for his text of 1912 remains a strong one.

T. F. T.

The most useful contribution to double no. 1 and 2 of vol. xxxix of the revived *Mitteilungen des Instituts für Österreichische Geschichtsforschung*<sup>1</sup>—Dr. Forst-Battaglia's survey of the work of Polish historians and of the state of Polish historical study—is hidden away at the end of the book reviews and covers far more ground than is indicated by the dates, 1913-17, which are given at its head. It is apparently to be followed by a further contribution from the same pen, intended to develop the theme. Professor Heuberger discusses (with, it would seem, special reference to the Habsburg portions) the influence which a mountainous area of such racial, historical, and above all geographical peculiarity as the Alps has exercised on the development and retention of particular forms of legal and other documentary transactions, and remarks that, while this form of study lends itself to application elsewhere among the heights, at the present time it is only for this region that the necessary preliminary inquiry into documentary characteristics may be said to have been carried out. Professor Steinacker investigates the problems attending the date and compilation of the two versions of the Austrian *Landrecht*, and has frequent occasion to criticize the recent conclusions of Dopsch. The book-section, which includes a long (11 pp.) and most unfavourable notice of volume viii of the Görres-Gesellschaft's *Concilium Tridentinum*, is disfigured by an anti-Polish, East Prussian review, written with much bigotry and insolence.

C. S. B. B.

History and philology form the staple material of a new venture—the *Ungarische Jahrbücher*—and in the first of the two issues before us (vol. ii, double no. 3 and 4) Professor Domanovsky has an interesting article on the backwardness in past times of the Danubian traffic. The editor, Professor Gragger, contributes a useful survey of the various Hungarian historical institutes abroad, among which one notes that of Vienna<sup>2</sup> and the 'Ungarisches Institut' of the university of Berlin, from which this publication is edited. In articles and reviews alike there is a commendable absence of political feeling, and attention should be called to the detailed bibliography (a regular feature) of current books and periodicals dealing with this land. In vol. iii, no. 1, Dr. Szekfü summarizes in German his previous Magyar study of the history of the Hungarian wine industry, in which one notes the attempts made about 1700 to establish a market in England. From a nationalist standpoint Professor Angyal reviews vol. i of Redlich's *Das Österreichische Staats- und Reichsproblem*, and Professor Ladislaus von Fejérfatky tabulates the revived activities of the historio-philosophical class of the Hungarian Academy of Sciences.

C. S. B. B.

<sup>1</sup> Vol. xxxviii was concluded in 1920.

<sup>2</sup> See *ante*, xxxvii. 160.

# THE ENGLISH HISTORICAL REVIEW

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## *The Papal Schism of 1378 and the English Province of the Order of Cluny*<sup>1</sup>

**O**WING to the wars between France and England in the fourteenth century, the relations between Cluny and the English province were often interrupted, but they were not broken off completely until after the schism when France recognized the pope at Avignon, and England the pope at Rome.

The English province consisted of thirty-eight priories in England and Wales, which were founded between 1077 and 1222.<sup>2</sup> Two of the principal daughter houses of Cluny, La Charité on the Loire near Nevers, and St. Martin-des-Champs in Paris, took part with Cluny in the foundation of the first twelve English houses, that is to say at the request of the patrons and founders they sent a prior and a few monks to take possession. The abbot of Cluny had the same authority over all the monks in the order as over those at Cluny, and he could transfer any monk from one house to another.<sup>3</sup> He alone was able to receive the professions of monks, who were bound to cross the seas and take the long journey south to Cluny, unless the abbot came to England or summoned them to meet him at one of his priories in Picardy. All the English Cluniac monasteries were priories, and the priors were nominated by the heads of the mother house from which the first monks had been sent. The abbot of Cluny had the right of nomination to Lewes, Thetford, Lenton, and Montacute, though at Lewes and Thetford the descendants of

<sup>1</sup> A paper read at the International Congress of Historical Studies, Brussels, April 1923.

<sup>2</sup> L. Guilloreau, 'Les Prieurés Anglais de l'Ordre de Cluny', *Congrès du Millénaire de Cluny* (Académie de Mâcon, 1910), i. 291-373, and *Revue Mabillon*, viii. 1-42, 159-88; U. Berlière, 'Les Monastères de l'Ordre de Cluny du XIII<sup>e</sup> au XV<sup>e</sup> Siècle', *Revue Bénédictine*, x. 99-107.

<sup>3</sup> J. M. Besse, 'L'Ordre de Cluny et son Gouvernement', *Revue Mabillon*, i. 1-40.

the founders asserted a right to be consulted as patrons; the prior of La Charité nominated to Bermondsey, Northampton, Wenlock, and Pontefract; the prior of St. Martin-des-Champs to Barnstaple, St. James at Exeter, and St. Clears in Carmarthenshire; the priors of Lewes and Bermondsey to their own dependent priories. All the houses of the order of Cluny were exempt from the spiritual jurisdiction of the bishops, and directly subject to the pope through Cluny.<sup>1</sup>

The earliest surviving records of the general chapters of Cluny, those of 1259 and 1260, prove that the order was divided into ten provinces, of which England was one.<sup>2</sup> Two visitors were appointed for each province to make a visitation and present a report at the next general chapter, which was always held at Cluny on the third Sunday after Easter. Throughout the thirteenth century all the priors of the English houses, whether they were immediately dependent on Cluny, or mediately through La Charité, St. Martin-des-Champs, or Lewes, were bound to go to Cluny to the general chapter once in two years. After 1301 attendance was required only from the priors of Lewes, Montacute, Lenton, and Thetford, who were immediately dependent,<sup>3</sup> but the priors of Bermondsey, Northampton, Wenlock, and Pontefract were still bound to attend general chapters at La Charité, and the prior of Barnstaple was summoned to St. Martin-des-Champs. On the death of a prior, the head of the mother house was entitled to receive as 'spolia' his palfrey, cope, and breviary; it was recognized as of old custom in the bull of Nicholas IV of 1289,<sup>4</sup> and also in the acts of a general chapter held in England in 1392 during the schism.<sup>5</sup> The new prior took an oath not to alienate any property without the consent of the mother house.<sup>6</sup> A yearly payment called the census or apport was due to each mother house in recognition of subjection. Cluny had a right to a total sum of £16 6s. 8d. from Lewes, Montacute, Lenton, and Thetford,<sup>7</sup> and smaller sums were due to La Charité and St. Martin-des-Champs.

Before the middle of the thirteenth century the popes gave the abbots of Cluny the power of levying occasional special subsidies;<sup>8</sup> in England the consent of the Crown was necessary,

<sup>1</sup> G. Letonellier, 'L'Abbaye exempte de Cluny et le Saint-Siège', *Archives de la France Monastique*, vol. xxii.

<sup>2</sup> A. Bruel, 'Les Chapitres Généraux de l'Ordre de Cluny', *Bibliothèque de l'École des Chartes*, xxxiv. 542-79; Besse, *ubi supra*, i. 97-138; Anger, 'Chapitres Généraux de Cluny', *Revue Mabillon*, viii. 214-52.

<sup>3</sup> *Millénaire de Cluny*, i. 344.

<sup>4</sup> Aimoin, *De Gestis Francorum*, ed. 1602, p. 849.

<sup>5</sup> Bodleian MS. Rawlinson C 236, f. 91.

<sup>6</sup> G. Duckett, *Charters and Records of Cluny*, ii. 43, 44. Cf. *Archiepiscopa Registers of Canterbury*, Courtenay, i, fo. 175.

<sup>7</sup> Duckett, i. 184.

<sup>8</sup> *Millénaire de Cluny*, i. 341, 358.

and it was withheld by Edward I and on other occasions during the fourteenth century. In 1346, however, although England and France were at war, Edward III granted the request of Pope Clement VI and sanctioned the abbot of Cluny's subsidy of three-tenths, roughly estimated to yield £2,000, and the king ordered the English priors to pay it.<sup>1</sup> When parliament met in September of the same year, the commons petitioned the king to annul the grant of £2,000 for ever, but they were told that the money was paid for that year.<sup>2</sup> This petition is the origin of Bishop Tanner's statement, repeated by later historians, that in the fourteenth century the abbot of Cluny drew £2,000 a year from England,<sup>3</sup> whereas it referred to one special subsidy. During truces and short periods of peace several demands for subsidies reached the English priors, and steps were taken to collect them, but payment was liable to be stopped at any time by the king, and in 1401 the abbot of Cluny believed that considerable sums of money due to him from these subsidies were in the treasury at Lewes or Bermondsey.<sup>4</sup> Whenever England and France were at war, the payment of any apport to foreign mother houses was forbidden, but the king allowed the prior and monks of many of the Cluniac alien priories to keep the custody of their houses in exchange for a very heavy annual payment to the exchequer—500 marks from Lewes, £120 from Montacute, £100 from Bermondsey and Wenlock.<sup>5</sup> The payment of these enormously heavy taxes as aliens was a crushing burden, and in 1351 Lewes priory purchased a charter of denization which relieved the monks of their disabilities as aliens and gave them the privileges of Englishmen.<sup>6</sup>

Edward III allowed the mother houses to nominate men of foreign birth as priors of Cluniac houses; he employed John of Jancourt, prior of Lewes, in his diplomatic service,<sup>7</sup> and in 1342 he accepted Francis of Bruges as prior of Northampton on the ground that the Flemings were his allies.<sup>8</sup> However, petitions in parliament show the growth of a bitter national feeling, and in 1376 the commons asked that foreign superiors should appoint

<sup>1</sup> *Calendar of Papal Letters*, iii. 19; *Cal. of Letters Patent, 1345-48*, p. 63; *Cal. of Letters Close, 1346-49*, p. 28.

<sup>2</sup> *Rotuli Parliament.*, ii. 163. In the original roll the two last words (printed 'pi cea') are almost illegible, and possibly read 'pur cean'.

<sup>3</sup> Tanner, *Notitia Monastica*, p. 14, note p, ed. 1744; the commons distinguished between the yearly apport and this 'empension'; cf. *Rotuli Parliament.*, ii. 162, 163; but the editors have given support to Tanner's statement by inserting 'yearly' without warrant in the index. Cf. Wylie, *Henry IV*, iii. 144, note 8.

<sup>4</sup> *Newington Longeville Charters*, ed. H. E. Salter, Oxfordshire Records Soc., p. 98; Duckett, i. 184, 188, 189; *Cal. of Papal Letters*, iv. 144.

<sup>5</sup> *Millénaire de Cluny*, i. 357-64.

<sup>6</sup> Dugdale, *Monasticon*, v. 15, no. xii; *Cal. of Letters Patent, 1350-4*, p. 47.

<sup>7</sup> *Victoria County Hist., Sussex*, ii. 68.

<sup>8</sup> *Ibid.*, Northampton, ii. 109.

vicars-general in England, so that Englishmen should become priors, and that monks in Cluniac houses should be Englishmen and all French monks banished.<sup>1</sup> The petition was marked as nothing done, but it had some influence, and from 1376 onwards the new priors of the most important houses were Englishmen.

The schism in the papacy began after the death of Gregory XI, and from 1378 until 1409 France adhered to the popes at Avignon, England to the popes at Rome. The popes at Rome, Urban VI and Boniface IX, severed the relations between the Cluniacs in England and their mother houses in France. The bulls were not entered in the existing Papal Registers, and only references to them are found either on the Patent Rolls or in the Registers of the Archbishops of Canterbury. The bull of Boniface IX was probably in the custody of the archbishop's registrar, for in an entry in Arundel's register, dated 8 January 1400, it is stated that either the bull or a true copy would be shown to genuine inquirers.<sup>2</sup> A copy had been sent to Bishop Stafford of Exeter, it was entered in his register in 1398, and has not been printed.<sup>3</sup> The bull is of great importance because it also summarizes the bull of Urban IV and chronicles the events between them. Urban VI desired that the Cluniacs in the kingdom of England should not suffer in any way because they held aloof from the abbot of Cluny, who was an adherent of the antipope. He sent a mandate to the priors of Thetford and Bermondsey to summon all priors and monks who were accustomed to go to the general chapter at Cluny to attend a general chapter at a suitable place in England and elect two persons of the order who should exercise all the powers of the abbot of Cluny and the general chapter during the schism. The priors and monks came to a general chapter, which was most probably held at Bermondsey, because the priory was near London Bridge on the Surrey side of the Thames. The priors of Lewes, Montacute, and Thetford protested that some of the priors ought not to be admitted to the general chapter because their priories were immediately dependent on La Charité, and did not attend the general chapter at Cluny. The general chapter in their view would have consisted of themselves and the prior of Thetford, and it is significant that the three were Frenchmen who had ruled their houses for twenty years or longer, whereas the priors of Thetford and Bermondsey were Englishmen born and bred. Lewes, too, had always been regarded as the premier house in England. The three French

<sup>1</sup> *Rotuli Parliament.* ii. 342-3.

<sup>2</sup> *Archiepiscopal Registers of Canterbury*, Arundel, fo. 399.

<sup>3</sup> *Episcopal Registers of Exeter*, Stafford, ii, fo. 39. I am indebted to Miss R. Easterling for a transcript of this bull. In his edition of Stafford's register, i. 144, Prebendary Hingeston Randolph stated that the bull was 'quoted at length'.

priors refused to take any part in the election, and when the other priors and monks elected the priors of Thetford and Bermondsey, they refused to obey them and appealed to the pope. The appeal failed, for Urban VI's intention was to provide for the government of the order during the schism, and on 5 July 1389 he granted to the archbishop of Canterbury and the priors of Thetford and Bermondsey rights of jurisdiction, visitation, and all other powers usually exercised by the abbot of Cluny, the prior of La Charité, and the general chapter. He conferred on the prior of Bermondsey the power to receive the professions of monks who entered the order during the schism. Urban VI died on 15 October, before the bull was properly executed, and on 12 November his successor, Boniface IX, issued a new bull to give effect to that of Urban VI, and he added a clause that the archbishop and the two priors could act together, or the archbishop with either of them.

The archbishop was one of the conservators of the privileges of the Cluniac order in England under the bull of Clement VI,<sup>1</sup> but apparently he was chosen in his capacity as papal legate.<sup>2</sup> It was remarkable that a province of the order of Cluny which had been exempt always from episcopal jurisdiction should be for some years under the jurisdiction of the archbishop of Canterbury. It is evidence of the personal qualities of Archbishops Courtenay and Arundel that they administered the Cluniac province in harmony with the priors. Courtenay was a great friend of Prior Richard Dunton and the monks of Bermondsey, and in 1391 he gave them £100 to keep the anniversaries of himself, his father, mother, brothers, and sisters, of William Montacute, earl of Salisbury, and of Prior Richard for ever.<sup>3</sup> Arundel was known to cherish a great devotion to the Cluniac order, because his ancestors were the founders of Lewes.<sup>4</sup> On 26 November 1390 King Richard II gave his sanction to the bull with the advice and consent of his council, saving the rights of the Crown and of other patrons.<sup>5</sup> The much-beloved English prior of Bermondsey, Richard Dunton, had probably withheld his resignation until then,<sup>6</sup> and a week later the archbishop and the prior of Thetford nominated John Attleborough as his successor.<sup>7</sup> Between 1390 and 1404 the archbishop, either acting with the heads of Bermondsey or Thetford, or with both of them, nomi-

<sup>1</sup> *Cal. of Papal Letters*, iii. 136, v. 547; Archiepiscopal Registers of Canterbury, Courtenay, i, fo. 8 and 13.

<sup>2</sup> *Cal. of Letters Patent, 1388-92*, p. 332.

<sup>3</sup> Archiepiscopal Registers of Canterbury, Courtenay, i, fo. 182.

<sup>4</sup> Duckett, vol. ii, Addenda et Corrigenda to vol. i.

<sup>5</sup> Rymer, *Fodera*, ed. 1709, vii. 686; *Cal. of Letters Patent, 1388-92*, p. 333.

<sup>6</sup> *Annales Monastici*, ed. H. R. Luard (Rolls Ser.), iii. 481.

<sup>7</sup> *Cal. of Letters Patent, 1388-92*, p. 332.

nated new priors at Bermondsey,<sup>1</sup> Northampton,<sup>2</sup> Wenlock,<sup>3</sup> Barnstaple,<sup>4</sup> St. James at Exeter,<sup>5</sup> St. Clears in Carmarthenshire,<sup>6</sup> Montacute,<sup>7</sup> and Pontefract.<sup>8</sup> Entries of these appointments are found either on the Patent Rolls (because the king gave his consent to the restoration of temporalities) or in the registers of Canterbury and Exeter. In episcopal registers entries are made or omitted according to the judgement or industry of the individual clerk who wrote up the register. It is stated sometimes that entries were made for the first time as precedents and omitted afterwards, but in the Canterbury registers these Cluniac entries are not found in Courtenay's register, but in that of his successor Arundel.

Under the authority of the archbishop, who is described once in a document in the registers of Pope Boniface IX as vicar or 'visitor general of the order,'<sup>9</sup> the priors of Thetford and Bermondsey continued to summon the priors of other houses to attend general chapters. The definitions or acts of two general chapters which were held at Bermondsey in 1392 and 1395 were entered in a manuscript of Lewes priory, which is now in the Bodleian Library.<sup>10</sup> These acts follow immediately after the bull of Nicholas IV concerning the government of the order and the procedure at general chapters.<sup>11</sup> Their heading is 'Definitions of the General Chapter of the Order of Cluny held at Bermondsey', and the exact procedure of Cluny was followed. The English priors met on the day of the general chapter at Cluny, the third Sunday after Easter. In 1392 the presidents were the archbishop of Canterbury and the priors of Thetford and Bermondsey. The priors of Lenton and Wenlock were chosen as diffinitors or executive officers, and after the discussion of business they drew up the definitions, to which the presidents and other priors gave their consent on the following day. It is most improbable that Archbishop Courtenay was actually present at this general chapter on 5 May, for he was staying at his Sussex manor of Slindon, near Chichester, on

<sup>1</sup> *Cal. of Letters Patent, 1388-92*, p. 332, and *Archiepiscopal Registers of Canterbury*, Arundel, i, fo. 399.

<sup>2</sup> *Rot. Pat.* 15 Ric. II, pt. 1, m. 10.

<sup>3</sup> *Cal. of Letters Patent, 1396-9*, p. 61.

<sup>4</sup> *Episcopal Registers of Exeter*, ed. Hingeston Randolph, *Brantingham*, i, 120; *Stafford*, i, 144.

<sup>5</sup> *Ibid. Stafford*, i, 170.

<sup>6</sup> *Archiepiscopal Registers of Canterbury*, Arundel, i, fo. 286<sup>v</sup>.

<sup>7</sup> *Ibid.* fo. 292<sup>v</sup>.

<sup>8</sup> *Ibid.* fo. 296<sup>v</sup>.

<sup>9</sup> 'A venerabile fratre nostro Wilhelmo archiepiscopo Cantuariensi vicario seu visitatore generali monasteriorum prioratuum et locorum quorumlibet dicti Cluniacensis Ordinis in regno Anglie per sedem apostolicam ut iidem priores pretendebant deputato'; cf. *Cal. of Papal Letters*, iv, 454. I am indebted to the kindness of Cardinal Gasquet for a transcript of this document.

<sup>10</sup> Bodleian MS. Rawlinson C. 236, fo. 90-2<sup>v</sup>. I am very much indebted to the Rev. H. E. Salter for giving me the reference to this manuscript.

<sup>11</sup> Aimoin, pp. 841-4.

29 April, and he was there also on 16 May,<sup>1</sup> and so far as I have been able to discover, no extant document was issued in his name between those dates. Nevertheless his influence is shown in the definition that no monk might have the cure of souls of any parish church, or receive oblations or visit the sick without special leave from his prior, and parish churches must be served by suitable priests of good reputation and honest life. The question of the choice of suitable priests to serve parish churches is peculiar to these acts, and it is significant that the English Cluniacs held the advowsons of many parish churches, and Lewes had the right of presentation to over forty churches in Sussex.<sup>2</sup>

Some other definitions of this general chapter are also interesting. All conventual priories must provide honourably for one monk either at Oxford or Cambridge, and he must enter the university before next St. Luke's day, 18 October. This was one of the statutes of Pope Benedict XII issued in 1337 for the reform of the Black monks, both Benedictines and Cluniacs.<sup>3</sup> On the death of a prior whose house was subject to Cluny, La Charité, or St. Martin-des-Champs, his palfrey, breviary, cope, and the ornaments of his private chapel were to be divided equally between the priors of Thetford and Bermondsey in payment for their trouble and expenses. No prior was to be deprived, or promoted to another house, without the consent of all three presidents. A proctor was to be appointed by the presidents and the diffinitors of this chapter to represent the English houses at the papal curia, and to secure a renewal of their privileges. To meet the expenses of this proctor and also of counsel's advice in England, it was decided to levy a tax of one-fiftieth, to be paid in four instalments within the next two years. The money was to be kept at Bermondsey in a chest with three different locks, and the keys were held by the prior of Lewes, the subprior of Bermondsey, and brother Thomas of Aylsham. The priors of Bermondsey and Derby were appointed visitors-general of the order as sub-delegates of the archbishop of Canterbury, with power to coerce and imprison monks and remove them to another house with the consent of their priors. They received instructions to publish the acts of the general chapter and to see that a copy was left at each house. It was decided to hold the next general chapter at Bermondsey on the third Sunday after Easter in 1394, but it appears to have been postponed until 1395. The prior of Lenton was again one of the diffinitors, and he had as his colleague the prior of Horton

<sup>1</sup> Archiepiscopal Registers of Canterbury, Courtenay, ii, fos. 204, 204<sup>v</sup>.

<sup>2</sup> *Victoria County Hist., Sussex*, ii, map facing p. 8.

<sup>3</sup> Wilkins, *Concilia*, ii. 594-9; cf. *Bullarium Romanum*, i. 218.

acting as proctor for the old French prior of Lewes, John of Charlieu. The definitions were of less interest, and some of the definitions of the previous chapter were repeated, which suggests that they had not been observed in every house; among them was the provision that one monk should be sent to Oxford or Cambridge from each conventual priory. The priors of Derby and Dudley were appointed visitors, and it was decided to hold the next general chapter at Northampton in 1397.

The acts of no later chapters were entered in the Lewes manuscript, and I have not as yet found them entered in the manuscripts of other Cluniac priories. The activities of the presidents and visitors can only be gleaned from a few entries in the papal registers. These indicate that John Attleborough, the prior of Bermondsey, was arbitrary and violent in his exercise of authority as president of the general chapter and as visitor. There was a serious brawl at Northampton priory in 1392, when the priors of Bermondsey and Derby were refused admission by the subprior and monks on the ground that the customary twenty days' notice of a visitation had not been given.<sup>1</sup> The prior of Northampton was on the side of the visitors and brought armed men who forced an entrance, the subprior and monks were excommunicated and driven out of the house, and wandered about miserably begging their bread. They appealed to the pope, and he ordered the bishop of Lincoln to try their case.

Individual monks appealed to the pope against being moved to other houses, not as a punishment but in accordance with the special power of the abbot of Cluny to transfer monks from one house to another, which was now exercised by the presidents of the general chapter in England. John Abirford, a monk of Pontefract, appealed to the pope against the order of Archbishop Arundel and the prior of Bermondsey, transferring him to Bermondsey; no fault was alleged against him, and he had always lived an honourable life at Pontefract; in 1398, when Archbishop Arundel was in exile, the pope sent a mandate to the archbishop of York to replace John Abirford at Pontefract.<sup>2</sup> In 1402 Robert Willingham received an indulgence to remain at Thetford priory for life in answer to his plea that divine offices were solemnly and devoutly performed there by day and night, and there were divers books which he desired to study, and he was afraid of being transferred by the prior of Thetford or some other superior.<sup>3</sup> Another monk had permission to leave Thetford for any Benedictine monastery of his choice,<sup>4</sup> and a monk of Castleacre had an indulgence to live in any Cluniac house which might suit his health.<sup>5</sup> A number of monks secured the privileges of papal

<sup>1</sup> *Cal. of Papal Letters*, iv. 454, 455.

<sup>2</sup> *Ibid.* v. 162.

<sup>3</sup> *Ibid.* v. 546.

<sup>4</sup> *Ibid.* v. 196.

<sup>5</sup> *Ibid.* v. 190.

chaplains and claimed to be free from the duty of obedience to their superiors.<sup>1</sup>

The overweening ambition of John Attleborough, prior of Bermondsey, brought the monastery into serious financial straits and led to his downfall. In 1397, in consideration of the great quantity of money which he alleged that he had spent against schismatics, Boniface IX granted him a dispensation to hold a benefice with cure of souls for life with his priory.<sup>2</sup> In the Annals of the monastery there is an entry that John Attleborough, prior of Bermondsey, became the first abbot on 13 August 1399, by the creation of Boniface IX, with the assent and will and by the petition of Richard II.<sup>3</sup> The registers of petitions to Boniface IX are missing,<sup>4</sup> and this bull is not entered in his registers, though reference was made to it afterwards.<sup>5</sup> It was not entered in any extant manuscript of Bermondsey. The date in the Annals is probably that of the bull; and Attleborough is described officially as abbot on 30 October 1399.<sup>6</sup> The proceedings concerning the election of abbots of Bermondsey which are entered in the registers of Archbishops Arundel and Chichele prove that by this bull the monks of Bermondsey obtained the right of electing their abbot after applying to the king as patron for the usual *congé d'élire*.<sup>7</sup> When they had elected their abbot, they notified the king, who gave his assent and directed the archbishop of Canterbury to scrutinize the proceedings and confirm the election if all was in order. In each case the archbishop is described as 'iudex unicus ad confirmandam electionem . . . auctoritate apostolica nobis in hac parte commissa'. Thus the prior of La Charité lost his right to nominate or confirm the head of Bermondsey, not only during the schism but for ever. Most privileges were for sale at the papal curia under Boniface IX, and it is certain that Attleborough paid a heavy price for this bull. Four months afterwards, on 8 January 1400, Archbishop Arundel and the prior of Thetford appointed three commissioners to inquire into charges made by trustworthy persons against John Attleborough, who claimed to be abbot of Bermondsey, who was an incapable administrator, and had wasted the revenues of the monastery and alienated its possessions in prosecuting causes which were against the law; if the commissioners found that witnesses could prove these charges, they were to remove him from office, and provide for a new head in accordance with the papal privilege granted to the monastery.<sup>8</sup> On 20 January,

<sup>1</sup> *Ibid.* iv. 286; cf. Duckett, ii. 24.

<sup>2</sup> *Cal. of Papal Letters*, v. 77.

<sup>3</sup> *Annales Monastici*, iii. 483.

<sup>4</sup> *Cal. of Papal Petitions*, i. p. xi.

<sup>5</sup> *Cal. of Papal Letters*, v. 506, 603.

<sup>6</sup> *Episcopal Registers of Exeter, Stafford*, ii, fo. 43.

<sup>7</sup> *Archiepiscopal Registers of Canterbury, Arundel*, i, fo. 399<sup>v</sup>; Chicheley, i, fo. 49<sup>v</sup>.

<sup>8</sup> *Ibid.* Arundel, fo. 399.

in the chapter-house at Bermondsey, the abbot read his resignation, which had been drawn up for him by a papal notary; he renounced all right to his office and recognized the power of the archbishop of Canterbury and the prior of Thetford to receive his resignation.<sup>1</sup> He was promised a pension of £40 a year for food and clothing on condition that he did not appeal to the pope.<sup>2</sup> A few months later Henry IV issued a warrant for his arrest,<sup>3</sup> but he reached Rome and urged in his petition that the resignation which he had made in fear of death was of no effect, because the monastery, according to the bull of Boniface IX, was immediately subject to the apostolic see, and therefore the archbishop had no power to admit his resignation.<sup>4</sup> He was consoled at Rome by being promoted to the Irish bishopric of Ardfert.<sup>5</sup> Owing to his misgovernment, Bermondsey was in such financial straits that on 1 May 1400 Henry IV issued a commission to his clerk, Nicholas Bubwith, and three other persons to have the custody of the monastery during his pleasure, so as to protect it from creditors.<sup>6</sup>

The result of the meeting of priors and representative monks in the general chapters was that more houses petitioned the Crown for denization charters. In 1390 only Lewes,<sup>7</sup> Thetford,<sup>8</sup> and Bermondsey<sup>9</sup> had freed themselves from the difficulties and burdens of alien houses. The petitions were not identical, but there was a fairly general plea that the monks were true Englishmen born and bred, and their monastery was in danger of ruin and destruction through the misgovernment of foreign priors in the past; it was a popular appeal and veiled the truth that they had no money to keep their buildings in repair or to restock their manors, because the Crown took such enormous sums in taxation from them as aliens. To get the consent of the Crown the essentials were a powerful patron, an English prior, and a large sum of ready money to pay for the privilege. Lenton<sup>10</sup> paid a fine of 500 marks in 1392, Pontefract<sup>11</sup> and Wenlock<sup>12</sup> 100 marks and 600 marks in 1393, Barnstaple<sup>13</sup> 160 marks in 1403, Northampton<sup>14</sup> £100 in 1405. Montacute had to wait for the death of its old French prior in 1404 and paid 300 marks in 1407.<sup>15</sup> In 1399

<sup>1</sup> Archiepiscopal Registers of Canterbury, Arundel, fo. 399.

<sup>2</sup> *Cal. of Papal Letters*, v. 349.

<sup>3</sup> Rot. Pat. 1 Hen. IV, pt. vii, m. 11d.

<sup>4</sup> *Cal. of Papal Letters*, v. 349.

<sup>5</sup> *Ibid.* vi. 7; *Annales Monastici*, iii. 483.

<sup>6</sup> *Cal. of Letters Patent, 1399-1401*, p. 284.

<sup>7</sup> Dugdale, v. 15, no. xii.

<sup>8</sup> Reynier, *Apostolatus Benedictinorum in Anglia*, Appendix, *tertia pars*, p. 208; Rot. Pat. 50 Ed. III, pt. 1, m. 5, confirmed Rot. Pat. 3 Ric. II, pt. 2, m. 12.

<sup>9</sup> Reynier, Appendix, *tertia pars*, p. 145.

<sup>10</sup> Rot. Pat., 16 Ric. II, pt. 2, m. 19.

<sup>11</sup> *Ibid.* m. 8.

<sup>12</sup> Dugdale, v. 78; *Cal. of Letters Patent, 1391-6*, p. 552.

<sup>13</sup> Rot. Pat. 4 Hen. IV, pt. 2, m. 12.

<sup>14</sup> Rot. Pat. 6 Hen. IV, pt. 2, m. 25.

<sup>15</sup> Rot. Pat. 8 Hen. IV, pt. 2, m. 10.

Henry IV restored many alien houses to their French superiors on condition that they presented suitable persons as priors,<sup>1</sup> and the abbot of Cluny determined to open negotiations for the recovery of his rights in England. A series of most interesting letters, drafts, and memoranda about the English province were among the archives of Cluny until the French Revolution; they are now in Paris at the Bibliothèque Nationale and were printed privately by the late Sir George Duckett.<sup>2</sup> Some of them are drafts without dates, and in the light of other evidence it is possible to date them with more accuracy and to correct a few errors of identification.

In July 1401 the abbot of Cluny sent the priors of Crespy and Dompierre on a mission to England. Their instructions were to recover possession of four manors belonging to Cluny or to arrange for a new lease or sale, and to collect considerable arrears of money representing (1) the yearly apport from the four houses directly dependent on Cluny, i. e. Lewes, Thetford, Lenton, and Montacute, (2) the spolia due from Lenton on the death of the last prior, (3) large sums of money from several subsidies levied since 1346; only instalments had been paid, and the rest was believed to be either in the treasury at Lewes or at Bermondsey.<sup>3</sup> The French priors brought a letter to Henry IV begging him to restore the patronage of the priories and to allow them to go on a visitation.<sup>4</sup> They were instructed to get the same terms from the king as the abbot of St. Denis had already secured, or even better ones. They would find the new prior of Lewes friendly, and the sacrist of Bermondsey was trustworthy and loved Cluny, but they must beware of his master, who was very hostile and was exercising the powers of an abbot *de facto*. The priors were at Lewes on 5 August and gave the prior, John Oke, authority to negotiate about the four manors of Cluny,<sup>5</sup> but their mission was a failure, for the English priors refused to pay a penny on the ground that the abbot and monks of Cluny were schismatics.<sup>6</sup>

In 1407 a more favourable opportunity occurred. Four envoys were nominated by the king of France to negotiate a peace with England, and the lord of La Fay and Gerard du Puy, bishop of St. Flour, were the abbot of Cluny's intimate friends.<sup>7</sup> The bishop offered to take a monk from Cluny in his train, and the abbot sent Theobald, who held the office of arch-deacon in the jurisdiction of Cluny. His instructions were very

<sup>1</sup> *Cal. of Letters Patent, 1399-1401*, p. 80.

<sup>2</sup> *Charters and Records of Cluny*, 2 vols., 1888.

<sup>3</sup> *Ibid.* i. 181-6; cf. p. 483 n. 4, above.

<sup>4</sup> *Ibid.* i. 193, 194.

<sup>5</sup> *Ibid.* i. 189; Wylie, *England under Henry IV*, iii. 95.

<sup>6</sup> *Ibid.* i. 190-2.

<sup>7</sup> *Ibid.* i. 189.

similar to those given to the prior of Crespy in 1401.<sup>1</sup> He was warned that the English priors would prejudice the king and his people against him and put every obstacle in his way to avoid paying a penny to Cluny. 'If you can recover any money,' wrote the abbot of Cluny, 'buy me a palfrey. My predecessor had two English palfreys, and we still have one, and he is the best horse we have ever had. Get one as good or better, if you can, for the best horses come from England.' The French envoys were in England in the autumn of 1407,<sup>2</sup> and the archdeacon of Cluny made a very favourable impression on Henry IV and the prior of the cathedral monastery of Canterbury.

Eighteen months later Prior Chillenden of Canterbury met the prior of the Cluniac monastery of Sauxillanges in Auvergne at the Council of Pisa which had been summoned to end the schism, and told him that he had been very much pleased with the archdeacon of Cluny, a good man, who celebrated mass with joy and devotion, but he thought ill of the monks of St. Flour, who came with the bishop. Robert de Chaudesolles, prior of Sauxillanges, was the representative of the abbot of Cluny at the Council of Pisa, and he reported his conversation with the prior of Canterbury in a most interesting letter.<sup>3</sup> He told the abbot that Prior Chillenden was a man of high character and great experience and learning, and as rich as a bishop of an important see. In company with other English envoys,<sup>4</sup> the bishop of Salisbury and the abbots of York and Jervaulx, the prior of Canterbury had visited many Cluniac priories on the journey through France to Pisa, and in their opinion the French Cluniacs compared very unfavourably with their English brethren. It is clear that they had followed the great road due south from Paris, for they made particular complaints about the monks of La Charité and Nevers. They said that the French monks had neither Latin nor learning, they saw them in the market-places of the towns without their habits, or in habits which were torn and shabby, they had no woollen shirts, were very untidy, and looked more like peasants than monks, and they had not suitable vestments for use in their churches. The prior of Canterbury said that Henry IV had such reverence for Cluny that when he was confiscating alien priories or releasing them from allegiance to their foreign heads, he superseded his instructions when he was told that any of those priories were of the order of Cluny. Chillenden was afraid that if the envoys returned to England with such unfavourable reports of the French Cluniacs, the king would not fulfil the

<sup>1</sup> Duckett, i. 187-90.

<sup>2</sup> Wylie, iii. 95.

<sup>3</sup> E. Martène et U. Durand, *Vetrum Scriptorum Amplissima Collectio* (ed. 1733), vii. 1113-19.

<sup>4</sup> Wylie, iii. 368, 376.

promises which he had made to the archdeacon of Cluny, and would put the English priories under another head.

The English envoys failed to understand that wars had been fought for many years on French soil. Moreover, La Charité and Nevers had suffered very severely from the ravages of the free companies after the treaty of Brétigny, and as late as 1418 La Charité had not recovered.<sup>1</sup> The prior of Sauxillanges made excuses to the envoys and invited them to Cluny on the way home, but the prior of Canterbury left Cluny in haste with a letter for Henry IV, dated 26 June, announcing the election of Pope Alexander V.<sup>2</sup> The fragment of another letter, printed by Sir George Duckett, without identification, was written at Pisa to the abbot of Cluny by a monk of Canterbury on behalf of Prior Chillenden.<sup>3</sup> He said that the prior would do his utmost to help Cluny, and as the schism was at an end, he advised him to write to Henry IV and to his chancellor, Thomas Arundel, archbishop of Canterbury. He told him how to address them, and suggested that letters should be sent to the prior through two merchants of Lucca, who were constantly in Paris, and he would return them in the same way as he had arranged the dispatch of the archdeacon of Cluny's letters when he was in England with the bishop of St. Flour. The abbot of Cluny lost no time. On 12 September 1409 Charles VI, king of France, gave him permission to send monks to England,<sup>4</sup> and they brought letters to Henry IV<sup>5</sup> and the archbishop of Canterbury.<sup>6</sup> The abbot begged the archbishop to intercede with the king for the recovery of the rights of which Cluny had been deprived on account of the wars and the pestilent schism.

As England and France both recognized Alexander V, the provisional government of the English province of the order of Cluny during the schism came to an end. But relations with the mother houses in France were resumed on a different footing. The abbot of Cluny conferred the powers of a vicar-general on the prior of Lewes.<sup>7</sup> In 1410 the earl of Arundel, as patron of Lewes, wrote to the abbot of Cluny, asking that the prior might have the power of acting for him and the priors of La Charité and St. Martin-des-Champs, and of nominating the heads of the English houses.<sup>8</sup> A clerk of the prior of Lewes carried the letter to Cluny and received a favourable reply.<sup>9</sup> On his way home he stayed at La Charité, and the prior took away the original docu-

<sup>1</sup> Denifle, *La Désolation des églises et monastères en France*, i. 40, ii. 429.

<sup>2</sup> Wylie, iii. 384.

<sup>3</sup> Duckett, ii, Addenda et Corrigenda to vol. i.

<sup>4</sup> Duckett, ii. 157.

<sup>5</sup> *Ibid.* i. 177-9. Undated by Duckett, and stated wrongly in Wylie, iii. 143 n. 1, to be addressed to Henry VI.

<sup>6</sup> *Ibid.* i. 149, 150. Wrongly dated 20 Ric. II by Duckett.

<sup>7</sup> *Ibid.* i. 208.

<sup>8</sup> *Ibid.* i. 208.

<sup>9</sup> *Ibid.* i. 209, 210, 211-14.

ment and gave him a copy. The clerk arrived in London, and on 26 January 1411 he delivered letters from the abbot of Cluny and the prior of La Charité to the prior of Lewes and the other English priors, who were assembled, probably, in the chapter-house at Bermondsey. There was great rejoicing over the letters, but when the copy of the document was read, it did not contain the full powers which had been promised, and the priors were very much perturbed. Apparently the prior of La Charité had suppressed a clause in the original document, because he disapproved of it.

The prior of Lewes determined to go to the general chapter at Cluny on 3 May 1411, and he had letters of recommendation from the king and queen,<sup>1</sup> and one from the countess of Arundel, daughter of John, king of Portugal.<sup>2</sup> She announced her intention of adding to the endowments of Lewes priory, because monastic observance was stricter and God was served there with greater devotion than anywhere else in England. She intended to ask the pope to make Lewes an abbey, and she begged the abbot of Cluny to make the present prior abbot of Lewes. Many letters to Cluny appear to have been sent through the prior of St. Martin-des-Champs in Paris, who read and endorsed them. On this one he wrote :

This letter was drafted by the prior of Lewes himself. I have heard from some one who was present that the countess of Arundel told the prior of Lewes she would write what he wished. If all priors loved the status of a bishop as much as he of Lewes, all priories would be created cathedral churches, and the priors would all be bishops.<sup>3</sup>

The prior of Lewes was prevented by difficulties at home from going to the general chapter, and sent the prior of Horton as his proctor with a request for the extension of his powers as vicar-general.<sup>4</sup> The abbot granted some of his requests and ratified all professions made in England by papal authority during the schism.<sup>5</sup> He refused to sanction provincial chapters as contrary to the constitutions of Benedict XII and the invariable custom of Cluny,<sup>6</sup> and he declined to make Lewes an abbey on the pretext that the petition came from the countess of Arundel, and not from her husband the earl, who was the patron, and would be seriously displeased.

In his letters to the abbot of Cluny and the prior of St. Martin-des-Champs in 1412<sup>7</sup> the prior of Lewes complained of opposition

<sup>1</sup> Duckett, i. 200, 208.

<sup>2</sup> *Ibid.* i. 208, 209.

<sup>3</sup> *Ibid.* i. 209.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* i. 202-7, 1411, not 'circa 1410'.

<sup>6</sup> Wilkins, ii. 591; *Revue Mabillon*, viii. 119.

<sup>7</sup> Duckett, i. 225-38. In *The Reign of Henry V*, i. 342, 343, by a curious mis-translation Dr. Wylie stated that the visitation took place.

within the order, others had incited the king against him, and the priors under the jurisdiction of La Charité intended to accuse him to the abbot. He hoped to get permission from the king to go on a visitation in the autumn, and as he would then pass through the country from which the best horses came, he would buy one each for the abbot of Cluny and the priors of La Charité and St. Martin-des-Champs. He would be glad to be released from the burdensome office of vicar-general.

Successive vicars-general in the fifteenth century had to contend with similar difficulties. There was friction at times between Cluny and La Charité, and Cluny refused to recognize that Bermondsey was an abbey.<sup>1</sup> The English priors resented their dependence on foreign superiors. After the loss of the English dominions in France, national feeling was intensified, and with the consent of the Crown several of the larger houses obtained papal bulls which released them from dependence on Cluny or La Charité,<sup>2</sup> and made them directly subject to the pope. In 1431 the abbot of Cluny told the archbishop of Canterbury that religious life and observance had decayed in the English houses of the order since the schism.<sup>3</sup> His opinion was perhaps biased, but it is certain that during the schism the English houses gained an independence which they were afterwards unwilling to renounce.

ROSE GRAHAM.

<sup>1</sup> Duckett, ii. 57.

<sup>2</sup> *Ibid.* ii. 92-8; *Cal. of Papal Letters*, vii. 530, x. 305, ix. 205, x. 133.

<sup>3</sup> Duckett, ii. 33, 34.

## *The Elections for the Long Parliament, 1640*

‘WE have a great curiosity to know’, wrote Carlyle in 1844, ‘how this momentous General Election of autumn 1640 went on; what the physiognomy or figure of it was; how “the remarkablest Parliament that ever sat, the father of all Free British Parliaments, American Congresses, and French Conventions, that have sat since in the world”, was got together! To all which curiosities and enquiries, meanwhile, there is as good as no answer whatever.’ ‘There is nothing known’, he continues, ‘of this great business, what it was, what it seemed to be, how in the least it transacted itself in any town, or county, or locality.’<sup>1</sup> There appears indeed to be no other record so complete and so detailed as that of the Suffolk county election, which Carlyle found among D’Ewes’s manuscripts and published with characteristic comments, but enough information is available to dissipate some of the obscurity which surrounds the elections in general.

On 24 September 1640 Charles I announced to the great council of peers assembled at York that he intended to summon a parliament to meet on 3 November following. The same day Lord Keeper Finch wrote urgently from York to the chief clerk of the Crown in London, ordering the immediate issue of the writs.<sup>2</sup> The general opinion was that the time allowed for the elections and returns, the bare forty days enjoined by the law, was very short, but active preparations were at once set on foot, and all the customary methods of influencing elections were vigorously exploited. On 27 September Sir Henry Vane, senior, one of the secretaries of state, wrote to his colleague, Sir Francis Windebank, in London, transmitting the king’s wishes with regard to the approaching elections. His majesty had commanded Vane to inform his fellow secretary that in order to influence favourably the approaching elections, ‘and sweeten his proceedings therein’, the king was pleased to release all

<sup>1</sup> ‘An Election to the Long Parliament’, in *Critical and Miscellaneous Essays*, vol. vi (1869).

<sup>2</sup> *Cal. of State Papers, Dom.*, 1640–1, p. 89.

prisoners committed 'for matters that may raise dispute in the ensuing Parliament', such as the failure to pay coat and conduct money. The letter continues :

I enclose by his Majesty's command a note of the names of such of his servants as he thinks should be provided with burgesses' [seats] to attend the present Parliament, and it is his pleasure you speak with the Lord Chamberlain concerning it, his Majesty expecting some help from him for the others; you are to see them provided out of such places as are in her Majesty's and the Prince's gift.<sup>1</sup>

The 'note' referred to is preserved among the State Papers.<sup>2</sup> It contains the names of ten law officers of the king, the queen, and the prince of Wales, including that of 'Mr. Solicitor' [i. e. Edward Herbert], and 'Mr. Serjeant Glanville'. Two others named are Sir Charles Harbord, 'His Majesty's surveyor general', and Sir Nicholas Selwyn, 'one of his majestie's gentlemen pensioners'. Of the twelve mentioned by name only three were returned at the ensuing elections. A fourth (Glanville) was returned at a by-election for Bristol in May 1642.

The list of desirable members also included 'the Counsel at York, and the King's attorney there, or his deputy; the Counsel of the Marches and the King's attorney and solicitors there', and 'the Judges of the Circuit in Wales'. The king's solicitor in the Marches was elected,<sup>3</sup> but his attorney did not find a seat. Of the eight justices and assistant-justices of the circuits in Wales not one became a member of the Long Parliament.<sup>4</sup>

The queen was not behindhand in her efforts to secure a favourable house of commons. On 1 October 1640 Nathaniel Tomkyns, prebendary of Worcester, wrote to Sir John Lambe, chancellor and keeper of the great seal of Queen Henrietta Maria :

I received to-day a letter from Sir John Wintour<sup>5</sup> wherein he says it is her Majesty's pleasure such letters be written as were last Parliament to the several Burgess-towns within her jointure<sup>6</sup> for electing of such

<sup>1</sup> *Ibid.*, pp. 104-5; also quoted, in part, in Porritt, *The Unreformed House of Commons*, i. 390.

<sup>2</sup> State Papers, Dom., Charles I, vol. 468, no. 136. The *Calendar* (p. 125) does not give the contents. That this list is the one mentioned by Vane is made practically certain by a letter of the attorney-general, Bankes, to Windebank, dated 12 October 1640, which states: 'His Majesty gave direction at York that his learned Counsel, the Counsel in the Marches, the Judges in Wales, the Queen's Counsel, the Prince's Counsel, and Mr. Surveyor General, should have notice to do their best endeavours to be of the ensuing Parliament' (*Calendar of State Papers, Dom., 1640-1*, p. 166).

<sup>3</sup> William Morgan, member for Breconshire. The names are given in W. R. Williams, *The Welsh Judges*, pp. 10-12.

<sup>4</sup> See Williams, pp. 35-6, 95-6, 132-4, 168-9. I have not been able to trace the names of the 'counsel at York', &c. Sir Edward Osborne, vice-president of the council of the north, unsuccessfully contested the city of York.

<sup>5</sup> Secretary and master of requests to the queen.

<sup>6</sup> The queen's jointure lands lay in many counties, e. g. in Essex, York, Surrey,

persons as she shall nominate to serve for them in the approaching Parliament which is to begin the 3rd of November next, and commands me to that end to repair presently to Hampton Court. . . . I shall propose to Mr. Secretary the city of Carlisle for you, which I hold the most likely to speed; not doubting but you will sound those of Higham Ferrers being now in the country so near them.<sup>1</sup> I hear the writs are not yet ready, and I conceive by Sir Henry Spiller's means our letters will be carried by the same messengers who carry the writs, as they were last time.<sup>2</sup> *Etiam post malam messem serendum* [sic], and peradventure, some of the borough towns may be wiser now than they were then.<sup>3</sup>

For all the sowing the harvest was to be no better, nor had the borough towns grown any wiser since April 1640.

Lord Cottington, the chancellor of the exchequer, was actively using his influence in favour of the court party. Robert Read, who had sat for Hastings in the Short Parliament, was again a candidate. He had written a letter asking for Cottington's support in the election, and received from Thomas Webb, secretary to the chancellor, an answer expressing regrets that the letter of request had not arrived sooner,

for before it came my Lord had been, as you suppose, infinitely importuned for places in this next Parliament, and merely to avoid more he commanded me to write his letters for such as he then thought of that they might be answers to all other suitors, and this was despatched this morning.<sup>4</sup> . . . My Lord has written to every corporate town for one and I know not whether his power will extend to more, but if your friends there believe it will you shall be sure of my service, or if you have a mind to Whitchurch, or any other place in Hampshire, they are yet free, and with a letter of ours and Lord Cottington's will speed anywhere.<sup>5</sup>

The chancellor's letters were probably written to 'every corporate town' in Dorset, of which county he was lord lieutenant. The response was not encouraging. Of twenty members returned for the county and its boroughs, only nine were, or became, royalists.

Robert Read was not daunted by the lack of Cottington's support. He determined to contest Hastings once more, and the circumstances attending his candidature show us the system

Cumberland, Suffolk, Bedford, Lincoln, Berks., and Northampton. See *Cal. of State Papers, Dom.*, 1640-1, index, s. n. Henrietta Maria.

<sup>1</sup> Sir John Lambe was unfortunate; he was returned for neither place, nor for any other in this parliament. He had been defeated also at Cambridge, in the elections for the Short Parliament. Cf. Worthington, *Diary*, pp. 7-8 (Chetham Society, vol. xiii).

<sup>2</sup> It was reckoned an advantage for a candidate to have possession of the writ, or at least first knowledge of its arrival. By this means the reading of the writ could be made at a moment most suitable to a particular candidate, and the poll arranged without reference to the wishes of his opponents.

<sup>3</sup> *Cal. of State Papers, Dom.*, 1640-1, p. 130.

<sup>4</sup> 30 September 1640.

<sup>5</sup> *Cal. of State Papers, Dom.*, 1640-1, pp. 121-2.

of nomination by the lord warden of the Cinque Ports as again in operation. In a paper of notes relative to the approaching election at Hastings, Read sketches his plan of campaign.<sup>1</sup> He proposes to 'gain the Lord W.', securing 'letters absolute for Mr. R. R., and the first man to be elsewhere recommended'. If he cannot compass this, he will seek 'at least second letters of indifference, so that the election may be free as to two candidates so that his Lordship may be pleased in one of those'. Read adds a word of advice to the voters :

The ports are advised that their burgesses ought to be barons of the Cinque Ports or freemen before the time of the Parliament writ. All that are not are not capable of election, and so their election is invalid and such return in danger of the penalty of £100 upon the Mayor.<sup>2</sup>

Read's scheme was not successful. He was compelled, finally, to write to the mayor of Hastings announcing that he had been unable, 'through the absence of the Lord Warden, to secure his letters of recommendation'. Instead he forwards a commendatory letter from various lords of the council, hoping also that this may help to refute the statement of certain 'malicious persons' that he is a papist.<sup>3</sup> All his efforts were unavailing, and the 'refractory freemen' returned Thomas Eversfield, his adversary at the previous election. Nor were the lord warden's 'letters absolute' very successful. Of the fourteen members returned for the Cinque Ports<sup>4</sup> only five were royalists.

No less significant were the returns from other boroughs under court influence. Among the State Papers of this reign is a document containing a list of boroughs in Cornwall and elsewhere 'under the interest of the Attorney of the Prince of Wales'.<sup>5</sup> Thirteen Cornish towns are given as coming under this head, and four others, Plymouth, Coventry, Chester, and Bewdley. These seventeen boroughs returned thirty-three members. In the Long Parliament only eighteen out of the thirty-three adhered to the king's party.

These examples reveal a general failure on the part of the court to influence favourably the composition of the new house of commons. Nor does the tale of reverses end here.

The city of York chose two aldermen of York [Sir William Allanson and Thomas Hoyle] for their burgesses, and absolutely refused Sir Edward

<sup>1</sup> *Ibid.*, p. 158.

<sup>2</sup> The danger was not very pressing. Members were frequently returned for the ports before becoming freemen. See Wilks, *The Barons of the Cinque Ports and the Parliamentary Representation of Hythe*.

<sup>3</sup> *Cal. of State Papers, Dom.*, 1640-1, pp. 160-1.

<sup>4</sup> Excluding Seaford, re-enfranchised as a Cinque Port after the opening of parliament. This borough returned two members opposed to the court party.

<sup>5</sup> State Papers, Dom., Charles I, vol. 450, no. 15.

Osborne, vice-president [of the council of the north] and Sir Thomas Witherington, their Recorder, because the Lord-Lieutenant<sup>1</sup> commended them, and this done his Lordship being at York.<sup>2</sup>

On 12 October 1640 the earl of Arundel wrote a letter to the mayor, and another to the mayor, aldermen, and common council, of King's Lynn, requesting the privilege of nominating one of the borough's burgesses for the approaching parliament. The corporation reported to Arundel that 'it is unanimously agreed by the House that they will choose noe other burgesses to serve in Parliament, but only such as are resident and inhabitinge within the corporacion'.<sup>3</sup> This was a noteworthy rebuff to a peer of whom Clarendon writes that 'he resorted sometimes to the Court because there only was a greater man than himself; and went thither the seldomer, because there was a greater man than himself'.<sup>4</sup> King's Lynn chose as its representatives two men who later became opponents of the king. The freemen, as well as the corporation officers, voted in the election.<sup>5</sup>

The influence of peers on elections was, however, very great.<sup>6</sup> At a time when party spirit had become more bitter, this influence was the subject of unfavourable comment in the house of commons, and an ordinance was passed forbidding the writing of letters by peers to recommend candidates at parliamentary elections.<sup>7</sup> When the duke of Richmond was impeached in January 1642, one of the charges was that he had brought undue influence to bear on parliamentary elections. It was stated in evidence that

before any election of the Barons of the Cinque Ports for this Parliament, the Duke of Richmond did recommend Captain Wymberley to one of those ports, but they making choice of some other, Captain Collins did write a letter to the officers of that port, (signified to be by the direction of the Duke), requiring them to certify the Names of those Persons that gave their votes, their Quality, and which way they gave their Vote: which sheweth his intention to call some of them to account for not giving their votes for the party the Duke recommended.<sup>8</sup>

<sup>1</sup> Strafford.

<sup>2</sup> Leonard Pinckney, commissary-general for victualling the army, to Secretary Windebank (*Cal. of State Papers, Dom., 1640-1*, pp. 157-8).

<sup>3</sup> *Hist. MSS. Comm. 11th Rep. App.*, Manuscripts of Corporation of King's Lynn, p. 178.

<sup>4</sup> *Rebellion* (ed. Macray), i. 118.

<sup>5</sup> *King's Lynn MSS.*, p. 179.

<sup>6</sup> Clarendon, writing in 1646-8, states (*Rebellion*, iii. 1, note), of the earl of Pembroke, that his 'interest in many places was so great that many burgesses were chosen by his recommendation'.

<sup>7</sup> *Viz.* on 10 December 1641; *Commons' Journals*, ii. 337.

<sup>8</sup> *Commons' Journals*, ii. 403; Parry, *Parliaments and Councils of England*, p. 384. The duke's defence is in the *Old Parl. Hist.* x. 259-60.

This intervention in elections was not confined to royalist peers. Sir Robert Harley and Fitzwilliam Coningsby wrote to the earl of Essex, informing him that they had been invited 'by divers gentlemen of the best quality' to stand as knights of the shire for Hereford, and asking for his approval, 'well knowing what luster your Lordship's approbation would put upon us, and what eclipse we should suffer without it in that employment'.<sup>1</sup> With the earl's favour they were duly returned as members of the Long Parliament.<sup>2</sup> Sir Simonds D'Ewes, whom Carlyle terms 'a thin and high-flown character, of eminent perfection and exactitude', sought the influence of a peer to further his election. On 1 October 1640 he wrote to the earl of Worcester in characteristic vein: 'I know there will be greate use of moderate spirits this Parliament, of which number I hope your Lordship takes me to be one, though flattery and dissimulation are beneath me.' He therefore encloses a draft letter, which he desires the earl to forward to a Suffolk borough in order to influence the choice of the electors. The letter, which purports to be the earl's own, is as follows:

I have formerly written to you for the choice of some of my friends, which I took as a curtesie from you; but now I commend a person to your election for one of your burgesses for which I assure myself to receive thanks from you. The Gentleman is Sir Simonds D'Ewes, Knight, . . . I doe averre to you upon mine honour that my chief end in recommending him to you is for the public good. . . . If you find not the report of all honest men to answere what I have written I give you free leave to refuse him.<sup>3</sup>

Whether this remarkable testimonial was ever sent does not appear, but D'Ewes was returned, and 'sat spotless for Sudbury' until expelled in 1648. It is worth noting that D'Ewes was strongly in favour of the ordinance of December 1641, prohibiting the writing of letters by peers to influence elections: 'D'Ewes said he thought a member so chosen not fit to sit here' (in the house of commons).<sup>4</sup>

Yet of influence exercised on behalf of the Puritan party few traces appear, though there can be little doubt that much attention was given to the composition of the new house of commons. Anthony Wood reports of Pym that 'he . . . rode about the country to promote elections of the Puritanical brethren to serve in parliament, wasted his body much in carrying on the cause;

<sup>1</sup> *Hist. MSS. Comm. 14th Rep. App.*, Manuscripts of Duke of Portland, iii. 65.

<sup>2</sup> Official return, part i, p. 489.

<sup>3</sup> *Autobiography and Correspondence of Sir S. D'Ewes*, ii. 243-6.

<sup>4</sup> Sanford, *Studies and Illustrations of the Great Rebellion*, p. 440, note.

and was himself elected a burgess'.<sup>1</sup> Hampden was similarly engaged :

being a person of antimonarchical principles, he did not only ride for several years before the Grand Rebellion broke out, into Scotland, to keep consults with the covenanting brethren there ; but kept his circuits to several Puritanical houses in England ; particularly to that of Knightley in Northamptonshire, and also to that of William, Lord Say, at Broughton near Banbury in Oxfordshire.<sup>2</sup>

The elections of November 1640 were strongly contested. 'There is great shuffling for burgesses for the Parliament', wrote an observer in the country, on 20 October.<sup>3</sup> There were five prospective candidates for the county of Kent. One, however, a certain Mr. Spencer, abandoned the contest at an early stage. 'I doe also believe that Mr. Spencer is quit from the hops that the cuntry would cast it uppon him ; we live not in such an age.'<sup>4</sup> The observation was not lacking in practical wisdom. No 'cuntry' was prepared to return members for mere solicitation, unsupported by local esteem, or pledges of opposition to arbitrary government. In Yorkshire four candidates contested the county, and four the city of York.<sup>5</sup> At Wigan six stood for election, and it appears that, in their eagerness to share in the franchise,

some inferior persons, inhabitants, labourers, and handicraftsmen, being free only to trade within Wigan, and not enrolled or sworn burgesses of the corporation, had combined and confederated and plotted together to disannul and annihilate the election of Bridgeman and Rigby by the burgesses of the Corporation.<sup>6</sup>

Reading was contested by five candidates, but without a very close election, since Sir Francis Knowles and his son, both of

<sup>1</sup> *Athenae Oxonienses*, ed. Bliss, iii. 73 ; also quoted in Carlyle, *loc. cit.* Clarendon asserts (*Rebellion*, iii. 1) that the election of Sir Thomas Gardiner, recorder of London, was prevented by the opponents of the court. The statement occurs both in the *History* and in the *Life*, though with more specific charges in the earlier narrative. Gardiner was designed as speaker of the new parliament by Charles I, but was returned neither for London nor elsewhere, 'so great a fear there was that a man of entire affections to the King, and of prudence enough to manage those affections, and to regulate the contrary, should be put into the chair'. Without further evidence, Clarendon's statement must be treated with distinct reserve. The Common Council Journals of the City of London, and the Repertories of the Court of Aldermen, about this date, unfortunately contain nothing to indicate the nature of the election.

<sup>2</sup> Wood, iii. 59 ; Carlyle, *loc. cit.*

<sup>3</sup> John Nicholas to his son, Edward Nicholas (*Cal. of State Papers, Dom., 1640-1*, p. 183).

<sup>4</sup> George Strode to Sir Edward Dering, 19 October 1640 ; *Proceedings in Kent, 1640* (Camden Soc.), p. 17.

<sup>5</sup> *Cal. of State Papers, Dom., 1640-1*, pp. 157-8.

<sup>6</sup> Bean, *Parliamentary Representation of the Six Northern Counties*, pp. 447-8. Orlando Bridgeman was a royalist, and Rigby a parliamentarian ; their election was upheld.

whom had sat in the Short Parliament, were re-elected 'in open hall, without any contradiction but with general alacrity, no vote being given for the other three candidates'.<sup>1</sup> At Cambridge 'Dr. Eden<sup>2</sup> and Mr. Lucas were chosen in the University burghesses for the parliament as before. Sir Henry Spelman and Mr. Hopkins, Warden of the Fleet, did loose it.'<sup>3</sup> Even Oxford University chose as one of its members a lawyer who had no great sympathy with the court party, and who joined in most of the subsequent assaults on royal prerogative,—John Selden.

For the conduct of the elections the most vivid and interesting account is D'Ewes's story of the Suffolk county election, printed by Carlyle; but this has distinctly a personal, rather than a political, significance. The two candidates eventually returned, Sir Nathaniel Barnardiston and Sir Philip Parker, both followed the fortunes of the parliamentary party. But so did Sir Roger North, himself member for Eye, who intervened in an unwarrantable manner on behalf of his son, the third candidate. The gallant gentlemen who blustered around the market-place at Ipswich, with swords drawn, and shouting 'A North! A North!' were animated by personal, and not by political, partisanship. The epithets they hurled at voters for the rival candidates ('calling the saylers Water-dogges, and otherwise provoking them') were prompted by anger at the rejection of a North, and not by chagrin at the return of two opponents of the court. D'Ewes's management, as high sheriff for Suffolk, of the county election shows the representative system working in its most impartial manner. He was scrupulous in preserving the poll-books intact, when the election was adjourned overnight. If any partiality were shown, it was to the candidate whose partisans least deserved it. D'Ewes even disallowed the votes of 'some single women that were freeholders, . . . conceiving it a matter verie unworthy of anie gentleman, and most dishonourable in such an election, to make use of their voices, although they might in law have been allowed'. These votes seem to have been cast mainly for Barnardiston and Parker, and D'Ewes secured the consent of these two knights to 'discount them and cast them out'. Armed with the legitimate assurance of his own exactitude, and with a formidable array of relevant documents, D'Ewes waited for an appeal to the house of commons against the Suffolk election. No such appeal, however, was lodged, nor could his conduct, as revealed in the testimonies he collected, have afforded any grounds whatever for an electoral dispute.

<sup>1</sup> *Hist. MSS. Comm., 11th Rep., App.* Manuscripts of Reading Corporation, p. 186.

<sup>2</sup> Eden and Lucas were 'Puritanical brethren'.

<sup>3</sup> Worthington, *Diary*, p. 8.

Elsewhere, however, a certain acerbity manifested in the elections had a different upshot. There were no fewer than thirty-six disputed returns to the original Long Parliament.<sup>1</sup> The scanty details of these elections that appear in the reports made to the house of commons throw a little additional light on the general nature of the contest. Disputed elections were examined, before report to the house, by a 'committee for privileges', and usually a bare summary of the case was all that was submitted to the members in general. Some record of the proceedings before this committee has survived in the case of the disputed election for Great Marlow.<sup>2</sup> It was asserted that one of the members returned, Peregrine Hobby, 'unduly procured voyces by inviting to alehouses', and in support of this charge John Moore, bailiff of the borough, said that there were 'three barrells drunk by a multitude, and that £14 was spent in beere and tobacco by Mr. Hoby's friends'. 'Mr. Hoby' thought it sufficient to reply that 'hospitality to neighbours may not be forbidden'. It was further alleged that '47 of Mr. Hoby's voyces were almesmen', and therefore not qualified to vote. Hobby proved that 'they paid to clerk's wages, watch and ward, and highways', and were not 'chargeable to the Commonwealth', which was held sufficient reason for upholding their votes. It transpired, on report to the house from committee, that the real offender had been the bailiff, John Moore, and his misdemeanour was a common one where party spirit ran high. The writ for Marlow election went to Moore.

He being demanded if he had the precept, or warrant for election, denied he had any precept, and yet the next day . . . a quarter of an hour before the election, produces the precept, in the presence of twenty or thirty, and proceeds to election without any Warrant or Notice to the rest of the Town.<sup>3</sup>

The election was declared void, a new writ issued, and John Moore sent for as a delinquent. His offence seems to have had a political motive, the candidate he favoured being a strong royalist.<sup>4</sup> The withholding of the writ until the eve, or day, of the poll was the cause of other appeals in connexion with the elections to the Long Parliament. The returns for Cambridge-shire and Carnarvonshire were declared void on this ground.<sup>5</sup> The election for Bossiney, in Cornwall, was rendered void for a similar reason, and the commons declared 'that they think

<sup>1</sup> I have collected the cases from the *Commons' Journals*.

<sup>2</sup> Verney, *Notes of the Long Parliament* (Camden Soc.), pp. 2-4.

<sup>3</sup> *Commons' Journals*, ii. 31.

<sup>4</sup> John Borlase, returned at a by-election for Corfe Castle in December 1640, and disabled from sitting in March 1644.

<sup>5</sup> *Commons' Journals*, ii. 21, 61.

it fit, that in this case there be six days' notice given to the Electors after such time as the precept comes to the Officer of the Town's Hand, before they proceed to the Election'.<sup>1</sup> The election for Ilchester was disputed on the ground of insufficient notice being given before the poll, and the house upheld the appeal and ordered a new writ.<sup>2</sup>

Another form of abuse that appeared in the elections of November 1640 was the use of blank indentures. The return was duly made out, signed and sealed, before the election, the space for the names of the representatives being left blank. This 'indenture', coming into the hands of a borough patron, or other interested party, was completed by the insertion of the names of suitable 'members'. The election for Bossiney had been originally questioned upon complaints of the use of blank indentures.<sup>3</sup> This misdemeanour was alleged against William Coryton and Sir Richard Buller. Coryton was a royalist and vice-warden of the stannaries, and was called to account, later, by the house of commons, for serious perversions of justice in the execution of that office. Sir Richard Buller sat for Fowey, and joined the parliamentary party. Hence it seems impossible to allege that this abuse was limited to the royalist element. Any borough directly under the influence of a patron was liable to have its representatives so chosen and returned. Complaints against the use of blank indentures were also made in the case of the election for Fowey, Sir Richard Buller's own seat.<sup>4</sup> Here he was again implicated, though 'without his privity'. It appeared 'that one, Mr. Trefoile, was designed as a member, and they trusted him with the Indentures and a Blank Return thereupon; and in the interim Sir Richard Buller's name was put in'. The return was disallowed, and a new election held, when Buller was again returned, and sat uncontested.

One election was made void for bribery, and the offending candidate 'made incapable for this Parliament'.<sup>5</sup> Bribery more often took the apparently unexceptionable form of such 'hospitality' as was alleged against Peregrine Hobby at Marlow. The election at Knaresborough in Yorkshire was described as follows by one of the successful candidates, Sir Henry Slingsby:

I went to the election with intention to stand, and coming thither, found Hutton and Benson to be competitors with me; when it came to the polling I carried it, but with some difficulty. Hutton laboured all he could to carry it by the industry of his father's man, Moore, who dwells

<sup>1</sup> *Ibid.* ii. 86. This was a second election, the first having been rendered void for the use of blank indentures, as stated below.

<sup>2</sup> *Ibid.* ii. 85.

<sup>3</sup> *Ibid.* ii. 29.

<sup>4</sup> *Ibid.* ii. 32.

<sup>5</sup> Sir Edward Bishop, returned for Bramber, in Sussex; *ibid.* ii. 51; *Note-book of Sir John Northcote*, p. 70. The *Journals* do not give the reason.

in the town, and I likewise, by the diligence of my man Thomas Richardson, who took good care to bring the burgesses together which he knew would give their votes for me, he himself being one. There is an ill custom at these elections to bestow wine in all the town, which cost me £16 at the least, and many a man a broken pate.<sup>1</sup>

The 'ill custom' cost more in county elections. One William Morris disbursed £155 9s. 6d. at the election of knights for Herefordshire in 1640. His chief items were for 'wine and lodging at the Black Swan, the Angel, and other taverns, and expenses incurred at the Booth Hall'.<sup>2</sup>

From this evidence some clear conclusions may be drawn. The elections appear to have been almost universally hotly contested. The king, the royal household, and the great officers of state made widespread efforts to secure the return of a favourable house of commons, efforts which, on the whole, met with singularly little success. Peers used their influence in the election on both sides, and, in spite of some rebuffs, had a considerable influence in a number of constituencies. In certain boroughs we find a marked independence, and a manifest desire on the part of the inhabitants in general to participate in the elections. The representative system, in a county election and in the hands of an impartial sheriff, was capable of reflecting with considerable fairness the general temper of the locality. We find traces, however, of frequent abuses, no doubt due to the embittered nature of the contest. These abuses were recognized as such by the house of commons, and were held sufficient to invalidate many elections. It does not appear possible definitely to fix these abuses more on one faction than on the other, but the fact that sheriffs were royal officers, and that more boroughs were directly under the control of the court and its adherents, than were under the command of its opponents, makes it probable that a majority of the offenders were royalist partisans. We note also that gratuitous entertainment was offered to the electors in several cases, and was sufficiently common to be condoned by the house of commons. Bribery was a rare offence. Pressure on electors was frequently brought to bear by local magnates, but not always with the results anticipated. More often the choice as members of men prominent in local life was dictated by motives of respect and affection.

Even contemporary observers suffered from no delusions as to the nature of the house of commons so elected. 'All that had any wayes appeared obstinate and refractory to the Government, and the King's commands, about ship-money, coat and conduct money, or the commission, were chosen either for counties or

<sup>1</sup> Slingsby, *Diary*; quoted in Bean, p. 884.

<sup>2</sup> *Hist. MSS. Comm. 14th Rep., App. Manuscripts of Duke of Portland*, iii. 66.

boroughs.’<sup>1</sup> Over half the members elected had sat in the Short Parliament of April 1640.<sup>2</sup> It is not surprising, under these circumstances, to learn from Clarendon that

there was observed a marvellous elated countenance in most of the members of Parliament before they met together in the House; the same men who six months before were observed to be of very moderate tempers, and to wish that gentle remedies might be applied without opening the wound too wide and exposing it to the air, . . . talked now in another dialect both of things and persons.<sup>3</sup>

In Wales the elections turned out satisfactory to the court. Of twenty-four Welsh members elected in November 1640, seventeen were royalists.<sup>4</sup> Among the forty-four Cornish representatives, twenty-three were royalists, and three others abandoned the cause of parliament after originally acting against the king. Somerset sent to Westminster thirteen supporters of Charles I out of a total of eighteen members for the whole county, including Bristol, and later one of the remaining five ‘deserted the Parliament’. In Devon, however, the royalists suffered a reverse, only ten of their adherents being returned in a total of twenty-six. All four members for Westmorland were royalists; and the same applies to four out of six returned for Cumberland. The representation of Yorkshire was equally divided at the outset, fifteen being returned for each party; later, three members who had taken a decisive part against the king went over to the royal cause.<sup>5</sup> Shropshire elected nine royalists and three parliamentarians.

These were among the counties that were more favourable to the king. Sussex sent twelve supporters of parliament as against eight royalists. For Lancashire the numbers were ten to four

<sup>1</sup> Bramston, *Autobiography* (Camden Soc.), p. 73. In the text, ‘coat and conduct money’ appears as ‘coal, and conduct money’.

<sup>2</sup> 294 out of 493 elected; Sanford, p. 284.

<sup>3</sup> *Rebellion*, iii. 3 (from the ‘Life’); cf. May, *History of the Long Parliament*, p. 71: ‘Before the great cure which was expected from this parliament, could go on, it was necessary that some time should be spent in searching and declaring the wounds, which, in divers elegant and judicious speeches, was done by some members of both houses.’

<sup>4</sup> In assigning members to parties, I have taken as decisive evidence of royalist sympathies the records of expulsion from the house, as found in the *Commons’ Journals*. In addition, where members were expelled without a specified reason, or on apparently non-partisan grounds, I have accepted their appearance, and conviction, before the committee for compounding, as evidence of royalism. A convenient list of parties (which, however, needs to be used with caution) is given in Sanford, pp. 499–508. Sir Charles Firth has kindly reminded me that there is a certain danger in ascribing members to one side or the other as early as 1640, since a number who later became royalists might be said to belong to a ‘country party’ at the outset. The figures given above may be thus taken as representing the maximum numbers of royalists returned. This lends even more decided support to the view that the elections of November 1640 resulted in a remarkably representative house of commons.

<sup>5</sup> The Hothams, father and son, and Sir Hugh Cholmley.

against the king. Surrey elected only two royalists among its fourteen members. All four London members, and the two for Westminster, were parliamentarians. Ten out of twelve representatives for Norfolk, and ten out of fourteen for Suffolk, sided with the parliament. Northamptonshire returned only one royalist among its nine members; Wiltshire, eleven, against twenty-three opponents of the court.<sup>1</sup> The richest and most populous part of the country (with the exception of Somerset) thus declared against the king. By how much simple loyalty and traditional devotion to the Crown the attitude of the western, the Welsh, and the northern, counties was determined, we hesitate to judge. It was the heart of England, in wealth, population, and progressive quality, that appealed, through its chosen representatives, against past oppressions and apprehensions for the future.

R. N. KERSHAW.

<sup>1</sup> The figures given refer throughout to the elections of November 1640, and do not take account of subsequent changes at by-elections. The parliamentary map at the beginning of vol. x of Gardiner, *History of England* (cabinet ed.), is a good guide, but contains mistakes in detail; e. g. Higham Ferrers (Norfolk) is given two members instead of one (royalist); Winchelsea returned one royalist; Cockermouth, one for each party; Thetford (Norfolk), two parliamentarians.

## *The Hanau Controversy in 1744 and the Fall of Carteret*

THE failure in August 1743 of William of Hesse's negotiation at Hanau, described in a previous article,<sup>1</sup> left Bavaria in Austrian occupation, and the Emperor Charles VII continued perforce to be a pensioner of France. The allied troops, having no longer any occupation in Germany, were free to invade Alsace, though a curious lack of co-operation compelled the postponement of the enterprise to the following year. Another important event of the autumn, the conclusion of the treaty of Worms with Sardinia (13 September 1743), threatened the Spanish Bourbons with expulsion from Italy. The whole character of the war had completely changed. It had begun as an effort to humiliate the house of Austria; it was continued to destroy the ascendancy of the two branches of the house of Bourbon, now definitely united in a family compact by the secret treaty of October 1743. The change was formally acknowledged in March 1744, when France declared war against Britain and Austria, and planned a direct attack upon the maritime powers, partly by an invasion of the Netherlands, and partly by sending French aid to the Jacobites in Great Britain. But the balance of strength and of fortune seemed to be decisively against the Bourbon powers. The invasion of the Netherlands, after its initial successes at Ypres and Menin, was checked by the news that Charles of Lorraine had forced the passage of the Rhine, had led his army into Alsace, and was advancing upon Strasburg. Louis XV's hurried dash to save the threatened province was interrupted by his alarming illness at Metz. The naval expedition to England was dispersed by an inopportune storm. The Spaniards had been compelled to evacuate northern Italy, and the Austrians set out under Lobkowitz, who had succeeded Traun, to follow them through the papal states and to attack the kingdom of Naples.

At this critical juncture, when the triumph of Austria and the maritime powers seemed assured, came the startling turn of the tide. In August 1744 Frederick II, after months of pre-

<sup>1</sup> pp. 384 ff., above.

paration and hesitation, once more threw the Prussian sword into the scale of France, and its weight more than turned the balance. Charles of Lorraine had hurriedly to quit Alsace, to recross the Rhine, and to carry his whole forces to the recovery of Bohemia. Behind his back the Bavarian troops recovered the lost electorate, Charles VII returned to Munich, and Maria Theresa suddenly found herself deprived of the coveted equivalent for Silesia. To the dismay of the British ministers, they were placed in the position which Newcastle had always dreaded. The maritime powers were left to face the combined forces of France and Spain, while Austria had to withdraw the bulk of her troops both from the Netherlands and from Italy. To make matters worse, the partnership of the maritime powers was now grossly unequal, and the major burden must perforce fall upon Great Britain. The Dutch were no longer the fighting force they had been in the seventeenth century. The barrier, so confidently forced upon Austria in 1715, proved utterly futile. The republican party at The Hague was half-hearted in the war; it was only with the greatest difficulty that money and troops could be extorted from the states-general; and, even if the house of Orange could be restored, the inevitable result would be to intensify party divisions in the state. And Britain itself seemed to be fatally handicapped. The Jacobites, paralysed for the moment by the loss of French assistance, only postponed their rising till 1745. The Hanoverian dynasty had never been more unpopular, and the ministry was both divided and discredited. Never had there been a more startling reversal of fortune, and public opinion naturally looked for a scapegoat.

Meanwhile, during the twelve months since August 1743, the Hanau episode, never very generally known, had fallen into almost complete oblivion. In spite of the indignation of William of Hesse and of Frederick the Great, the futile negotiation would have sunk into lasting obscurity, undisturbed even by historians, if it had not been suddenly forced into the limelight by the successive publication in August and September 1744 of three important documents, which excited universal attention in Europe, and especially in England. The first was Frederick's manifesto, entitled *Exposé des Motifs qui ont obligé le Roi de donner des Troupes Auxiliaires à l'Empereur*, which was issued when he came to the momentous decision to abandon the neutrality observed since Breslau and to throw his army upon an undefended Bohemia. The second, also manufactured at Berlin, though it professed to be printed at Cologne, was headed *Remarques d'un Bon Patriote Allemand sur l'Écrit intitulé : Exposé des Motifs, &c.* This was a reprint of Frederick's manifesto, with notes in which his main contentions were amplified and confirmed. In both

of these little pamphlets great stress was laid upon the repudiation by the British ministry of an agreement said to have been come to at Hanau. The third was the narrative, giving the actual documents (hitherto quite unknown to the public), of William of Hesse, to which reference has been made in the former article. This was partly intended as a confirmatory supplement to the two previous publications, but it was also specially designed for English consumption, in order to justify Prince William, the father-in-law of an English princess, for having withdrawn his troops from the service of George II, and for having attached himself to the hostile group of powers.

In order to understand the character and the prominence of the Hanau controversy it is necessary to extract from these documents the relevant passages in which the conduct of the British government was arraigned. Frederick's manifesto sought to justify his intervention and the formation of the League of Frankfort by a vigorous denunciation of the ill treatment of the emperor, and more especially of the occupation and oppression of Bavaria, and of Maria Theresa's formal protest against the validity of the imperial election, which her partisan, the elector of Mainz, had admitted to the *dictatur* of the diet, in spite of furious representations on the part of Prussia against such partial and unpatriotic action. In contrast to the grasping and aggressive conduct of Austria, Frederick extolled the magnanimous and self-sacrificing proposals of Charles VII at Hanau and later at Vienna.

Il [sc. le roi de Prusse] a fait des tentatives auprès du Roi d'Angleterre, lorsque ce prince étoit campé à Hanau. L'Empereur déclaroit même que, pour amour pour la paix, il renonceroit à jamais à toutes les prétentions qu'il avoit à la charge de la maison d'Autriche, moyennant la restitution de ses États héréditaires. (Les conditions avantageuses et pleines de modération furent rejetées nettement du ministère anglois; marque certaine que l'intention du roi d'Angleterre n'étoit point de rendre le calme à l'Empire, mais plutôt de profiter de ses troubles.). . . Les propositions que l'on avoit faites à Hanau furent réitérées à Vienne; l'Empereur, qui ne veut que le bien de l'Empire, s'offrit à tout, et ce prince magnanime, en vrai père de la patrie, étoit déterminé à lui sacrifier ses propres intérêts, action généreuse, qui justifie à jamais le choix que l'on avoit fait de lui. Le Roi appuya cette négociation par les remontrances et les persuasions les plus fortes. Mais plus que l'Empereur marquoit de modération, plus l'on voyoit dans la reine de Hongrie une fierté inflexible.

To the above reference to Hanau the 'Good Patriot' added the following commentary:

On sait toutes les peines et tous les mouvemens qu'un certain grand prince d'Allemagne s'est donnés, de concert avec le roi de Prusse, pour moyenner un accommodement entre l'Empereur et la reine de Hongrie.

Mais on sait aussi comment on les a joués indignement l'un et l'autre. On étoit convenu déjà des conditions de cet accommodement. Elles étoient très avantageuses à la reine de Hongrie ; tout ce qu'on y accorda à l'Empereur de plus essentiel étoit la restitution de ses États héréditaires. Le Lord Carteret, ministre du roi d'Angleterre, les avoit entièrement approuvées, lorsque tout d'un coup il déclara que la régence d'Angleterre n'y vouloit pas donner les mains, et qu'on ne pouvoit non plus disposer la reine de Hongrie à les accepter. Mais voici le nœud de l'affaire, et tout le mystère d'iniquité : on amusa l'Empereur par de belles promesses qu'on n'avoit pas envie de tenir, mais qu'on crut devoir faire dans un temps où on craignoit extrêmement que le roi de Sardaigne ne se jetât entre les bras de la France ou de l'Espagne. Mais aussitôt qu'on s'étoit assuré de ce prince, par la conclusion du traité de Worms, on se moqua de l'Empereur, et il ne fut plus question de son accommodement avec la reine de Hongrie. On se servit de toutes sortes de défaits grossières pour éluder entièrement ce dont on étoit convenu préliminairement à Hanau.<sup>1</sup>

Neither of the above accounts was quite accurate. Both, for obvious reasons, exaggerated the part played by Prussia, and the latter made a demonstrable slip by attributing the failure at Hanau to the treaty of Worms, which was not concluded till five weeks after the rupture with William of Hesse. But the Good Patriot made one notable revelation in the reference to the divergence between Carteret and the London regency. This was confirmed by the narrative of the prince of Hesse, which was at once more detailed and more obviously authoritative than the preceding documents. He gave more information about the negotiations with Haslang after his own withdrawal, and he associated their abandonment with the treaty of Worms. Finally, he concluded with a paragraph in which he concentrated his attack, not upon the ministers in London, but upon Carteret.

On a appris, depuis, que ce projet d'accommodement n'a jamais été communiqué en Angleterre, et si on ajoute à ces circonstances les discours qui sont échappés alors à milord Carteret et aux ministres de la reine de Hongrie sur la transplantation de l'Empereur et sa maison au royaume de Naples, ou dans des provinces qu'on devoit gagner sur la France, il est aisé de juger du dessein qui régnoit alors dans l'esprit des plus puissans, et du but qu'on se proposoit en continuant une guerre aussi funeste à l'Allemagne.

It is impossible to ascertain how William of Hesse was led into the blunder of accusing Carteret of a deliberate lie with reference to the sending of the projected terms to London, but there was no other demonstrable inaccuracy in his narrative. The

<sup>1</sup> Frederick's *Exposé des motifs*, with the *Remarques d'un bon patriote*, may be read in *Preussische Staatsschriften*, i. 442-7. The *Exposé*, without the notes, is in *Pol. Corr.* iii. 242-5.

cumulative effect of the three documents upon political opinion in England was immense. The country had suddenly fallen from a dominant and prospectively triumphant position in Europe into circumstances in which disaster and humiliation seemed imminent. The obvious cause of this depressing change was the action of the king of Prussia, and the public was now informed on apparently good authority that Prussian intervention could have been averted if the ministers, or some of them, had not rejected the reasonable and moderate terms proposed in the previous summer by the emperor. Some share of the blame may have rested with Austria, but Austria, it was thought, was under such obligations to Britain that its objections could have been overridden by a little resolute pressure. Frederick eagerly seized the opportunity to weaken or overthrow a ministry which he had learned both to distrust and to dread. The art of propaganda is no discovery of the late war, and the Prussian king had little to learn from any modern expert. On 8 August he forwarded to Andrié a dispatch which was intended as a special manifesto to Great Britain.<sup>1</sup> In this he repeated his contentions as to the need of protecting Germany and the emperor against Austrian arrogance and aggression, and urged that, as Britain would object to the intervention of any foreign state in support of the Pretender, so she should abstain from any interference in the domestic affairs of Germany. Finally he concluded with an assurance that, unless compelled by British hostility, he would break none of his engagements with this country, and that he would fulfil to British creditors the obligations with regard to the Silesian debt which he had undertaken by the treaty of Breslau. A translation of this manifesto, and also of the *Exposé des Motifs*, appeared in the August number of the *Gentleman's Magazine*,<sup>2</sup> a zealous champion of the old Tory principle that England should hold aloof from continental quarrels, and copies of the manifesto itself were, by instructions from Berlin, circulated in all quarters where it was likely to find friendly readers.

The ministerial doves were necessarily fluttered by the sudden revelation of the proceedings at Hanau, and by the widespread clamour which this excited. Parliament was to meet in November, and the opposition leaders were not likely to neglect such promising material for a damaging attack upon the government. Andrié took the lead in teaching them the Prussian version of ministerial misdeeds, and he was ably seconded by

<sup>1</sup> The letter to Andrié is printed in *Preussische Staatsschriften*, i. 574. The editors of the *Politische Correspondenz* have not included it, being content to refer to the above work, but they give (iii. 218) the instructions sent by Eichel (Frederick's private secretary) to Podewils on 19 July 1744, upon which the letter was drafted.

<sup>2</sup> xiv. 426-9.

Haslang, the representative of Charles VII, and by Alt, the Hessian agent who brought over the narrative of William of Hesse. The recent seizure by Frederick of East Friesland, in defiance of the claims which George II based upon a treaty of mutual inheritance with the late line of dukes, recalled to the public mind the bitter jealousies between Prussia and Hanover, and disposed men to believe that any action of ministers against the interests of Prussia must be due to a corrupt pandering to the Hanoverian prejudices of the king. This was another lesson which Andrié was never tired of teaching. The *Marchmont Papers*<sup>1</sup> give us a graphic picture of the almost daily interviews with the Prussian minister of Bolingbroke, Chesterfield, and Marchmont himself, and of the circulation of various versions of the Hanau legend. Newcastle, always easily depressed, was the first minister to utter a cry of alarm. On 25 August/5 September he wrote to his brother :

The affair of the king of Prussia, though very falsely, is undoubtedly represented to have been occasioned by the king's not entering into the separate negotiation last year at Hanau, which, you know, is laid to our charge. . . . The king is now in more apparent ill humour,<sup>2</sup> after the things are partially over, than he was during the time of our opposition to the things that Lord Carteret proposed. . . . I am determined to let the king know that my having had the misfortune to differ in some points from Lord Carteret had, I found, made me so disagreeable to his Majesty that, out of duty to him, and regard to myself, I must desire his leave to resign my appointment ; for, indeed, no man can bear long what I go through every day in our joint audiences in the closet.

Henry Pelham merely replied that he would act with his brother, and that he was sure the chancellor would agree.<sup>3</sup>

Matters were bad enough when, as in Frederick's manifestoes, the attack was directed against the ministry as a whole. If the ministry had been united, it might muster enough support to confront the opposition, and it could put pressure upon the Crown. But matters became infinitely worse when the *Remarks of a Good Patriot* drew a distinction between Carteret and his colleagues ; and still worse when William of Hesse not only confirmed this, but by a direct personal attack on Carteret's veracity practically

<sup>1</sup> i. 24-89, *passim*.

<sup>2</sup> This account of George II's ill humour is confirmed by an intercepted letter from Alt to William of Hesse of 18/29 September 1744, in which he states that since his last return to England the king has been very angry with the ministers who signed the opinion on the *Projets d'Hanau*, and when the latter urged that Carteret could and should have renewed the subsidy treaty with Hesse, the king replied : ' Il auroit pu le faire, mais il n'a pas voulu le faire, de crainte que vous n'y eussiez trouvé à redire ' (Carteret Papers, Add. MS. 22527).

<sup>3</sup> Extracts from these letters are printed in Coxe, *Henry Pelham*, i. 166-9, and Yorke, *Hardwicke*, i. 357, gives an extract from Newcastle's letter. The letters themselves are in the Newcastle Papers at the British Museum.

compelled him to defend himself by throwing the blame for the Hanau fiasco upon the regency in London. A ministry whose members were engaged in mutual recriminations had little chance of holding its own against opponents who had a very good *prima facie* case. The old quarrel of Carteret with the Walpole Whigs—or perhaps rather of the Walpole Whigs with Carteret—had never been healed, and it was in no way appeased when the Pelhams adopted the habit of consulting Lord Orford behind the scenes and of relying on his influence over the king to counter-balance that of Carteret. An apparent opportunity for a reconciliation had offered itself in August 1743, just after the rupture at Hanau, when George II, presumably against Carteret's advice, decided at last to give the vacant treasury to Henry Pelham. On 16/27 August Carteret wrote a frank letter of congratulation to his promoted colleague, admitted that he could not without dishonour have failed to support Lord Bath, but declared that he would give his support to Pelham and his brother, for both of whom he had a cordial affection,

which nothing can dissolve but yourselves, which I don't apprehend will be the case. I have no jealousies of either of you, and I believe that you love me; but if you will have jealousies of me without foundation, it will disgust me to such a degree that I shall not be able to bear it; and as I mean to cement an union with you, I speak thus plainly. His Majesty certainly makes a great figure, and the reputation of our country is at the highest pitch, and it would be a deplorable fatality, if disputes at home should spoil all the great work. I desire you to show this letter to the Duke of Newcastle; I shall write a private letter to him by this messenger.

To the duke, unquestionably more of a personal opponent than his brother, Carteret was even more outspoken. After explaining his censured silence on the ground of illness and the constant pressure of business during the campaign, he concluded with a sentence which his correspondent described as somewhat obscure.

But, as I have courage enough, God be thanked, to risque in a good cause my natural life, I am much less solicitous about my political life, which is all my enemies can take from me, and, if they do, it will be the first instance in which they hurt me; though I must own that my friends have been near ruining me at various times, of which I shall take care for the future, being past fifty-three.<sup>1</sup>

If Carteret, as is probable, intended these letters to serve as an olive branch, he should have cut out the last sentence. The first impression, reinforced by exultation over an unexpected

<sup>1</sup> For both letters see Add. MS. 32701 (Newcastle Papers, vol. xvi), and Coxe, *Pelham*, i. 85-8.

success, was undoubtedly favourable. Newcastle wrote that very evening to Lord Hardwicke : ' My friend Carteret's letter to my brother is a manly one ; and that to me, in many parts, has the appearance of a kind one.' <sup>1</sup> But the early impression was speedily effaced, and some ten days later we find that Newcastle, writing to the duke of Richmond, complains of the undercurrent of threats in Carteret's letters, and states that the answers to them had abstained from giving any pledges. The triumvirate (the two brothers and the lord chancellor) are quite willing to act in confidence and friendship with Carteret, ' but it must be upon the foot of equality and not superiority.' <sup>2</sup> The simple fact was that the old causes of hostility were rather increased than diminished by Henry Pelham's promotion. Carteret might not be jealous of the Pelham brothers, but they were unquestionably jealous of him, and they could not help resenting his continuance to play a dominant part in affairs after the ministry had become avowedly a Pelham ministry. Over the treaty of Worms, and still more over the supplementary declarations which Austria exacted as the price of the ratification of that treaty, opinions were as acutely divided as on the negotiations with the emperor, and this time Carteret insisted upon having his own way. Henceforward the old tug of war was almost continuous, Carteret with a minority in the cabinet but with the almost invariable backing of the Crown, against the triumvirate and a cabinet majority. As long as foreign affairs went smoothly and successfully, this state of tension could continue without any overt rupture : but the sudden and disastrous turn of fortune in 1744, with the resultant controversy as to how far one or the other section of the ministry was responsible for bringing it about, necessarily produced a ministerial crisis.

Two bombshells fell almost simultaneously. One was the *Remarks of a Good Patriot* ; the other Chesterfield's pamphlet, *Natural Reflections on the Present Conduct of his Prussian Majesty*, in which the author showed himself not only a docile pupil of Andrié, but also quite as good a German patriot as the hired apologist at Berlin. Chesterfield had not yet obtained any full information about what went on at Hanau, because Andrié himself did not yet possess it, <sup>3</sup> but he was acute enough to grasp

<sup>1</sup> Newcastle to Hardwicke, 23 August/3 September 1743 ; in Coxe, i. 88 ; and in Yorke, i. 337.

<sup>2</sup> Newcastle to Richmond, 2/13 September 1743, in Add. MS. 32701.

<sup>3</sup> See *Pol. Corr.* iii. 287, where Frederick from his camp near Prague on 17 September instructs Podewils at Berlin to send to Andrié Finckenstein's reports from Hanau, and p. 288, where he orders the younger Podewils at The Hague to send, by express messenger, William of Hesse's narrative to Andrié. These instructions were intended to enable Andrié to answer the questions about Hanau, with which he was bombarded by members of the opposition.

the significance of the fact that Carteret was the only minister actually on the spot, and the whole purport of his pamphlet was to draw a contrast between Walpole, whose administration had been condemned, and Carteret, who had only made matters infinitely worse. Chesterfield, however, did not put his own name to his production, which was too glaringly coloured by political spite and too slavishly pro-Prussian to carry any real weight. The Good Patriot was at once shorter and more revealing. His note raised the question whether Carteret or the London regency was to be blamed, and neither could be exculpated unless the other could be found guilty. Newcastle, as before, was the first to see the coming storm. In a letter to Hardwicke, always his favourite confidant, of 28 August/8 September 1744, he says :

I trouble you also with some intercepted letters, and with some printed remarks upon the King of Prussia's manifesto, which, you will see, are adopted by the Court of Cassel. It is there laid down that the breaking off of the treaty of Hanau is the occasion of the King of Prussia's motions, that the treaty with the Emperor was approved and agreed to by Lord Carteret, and rejected by the Regency here. This, I think, will naturally bring that transaction before Parliament; and consequently, if nothing else does, produce a breach in the administration; for, as what we did will, I am persuaded, when known, be approved by every Englishman, we shall not, I hope, be backward in our own justification.

Hardwicke's reply, two days later, was not very consoling.

The discourse now raised about the breaking off of the treaty of Hanau and its supposed consequences, and the laying that at the door of the Regency here, may possibly give rise to what you wish, and lay the more weight on what is *now* said of that affair [*sc.* what is said by the Good Patriot and was not said in Frederick's manifesto]; because I have observed that Lord Carteret has twice of late put us in mind, though without any grounds, that, at that time, he could have had the Emperor for three hundred thousand crowns, if we had not prevented it. I remember so well the progress and circumstances of that affair, so far as it was *partially* disclosed to us; and I think what we did in it, and the opinion we gave on it, proceeded on such strong and solid reasons that, I am confident, it will stand the test of any examination, and justify us, and condemn the authors of the negotiation, in the opinion of the world. It looks by one of Haslang's letters as if the King of Prussia was at work to put the opposition upon this scent (I mean in his own way), and that may probably bring it into parliament at least in their debates.<sup>1</sup>

From this time there was a complete rupture between Carteret and his more prominent colleagues. It did not improve matters

<sup>1</sup> For the above letters from Newcastle to Hardwicke of 28 August, and from Hardwicke to Newcastle of 30 August, see Add. MS., 32703, fos. 290, 291, and Coxe, i. 171-4. Hardwicke's letter is also printed in Yorke, i. 359.

that, during the ensuing struggle, Carteret became Earl Granville by his mother's death, and thus gained a notable increase of rank. In the circumstances created by the Hanau revelations, there was no longer any room for him and the Pelhams in the same ministry. This had been clearly grasped by Newcastle in his letter of 25 August to his brother. The obvious alternative to his own suggested resignation was Carteret's dismissal. And the latter became still more imperative when Carteret began to defend himself by contending that he could have gained the emperor and pacified Germany if he had been allowed to do so by his colleagues. It was equally clear that the dismissal must be brought about before the meeting of parliament. In any public controversy as to the past the balance of advantage was clearly on the side of Carteret. Doubtless a little of Hardwicke's forensic ingenuity could construct a defence for the action of himself and his friends. On the other hand, Carteret had a very simple and a very plausible story, so plausible that it has been accepted by his one biographer and by most English historians. On the surface it appeared that Carteret had backed the treaty with the emperor, whereas the regency would have none of it. Therefore the members of the latter body were responsible for the evil consequences of its rejection. There may have been, as will be seen later, more than was visible on the surface, but it is clear that, if Carteret was thrown out and driven into opposition, and if he then told the story as he could tell it, the government, even in those days of corruption, would have little hope of a long life. If Carteret, with Bath, Chesterfield, and the rest, had overthrown Walpole, he could certainly, with the same allies and more definite charges, overthrow the Pelhams. Hence it was necessary, not only to secure Carteret's dismissal, but also to render him impotent by depriving him of allies. It was notorious that he had no personal followers, and that he had never cared or condescended to found a Carteret party in either house. For the vote-catching tactics of a Walpole or a Newcastle he had shown not only no capacity, but also a profound contempt. It was therefore obvious that, if the opposition leaders could be gained over, Carteret would become a mere isolated individual and would cease to be formidable.

Thus the Hanau controversy forced the Pelhams to come to two momentous decisions. They must coerce the king into getting rid of Carteret, and they must come to terms with the opposition leaders. Both tasks were punctually performed before it was necessary to face the parliament, and the one success aided them to gain the other. The story of the coercion of George II has been often told, and need not be repeated. By securing the support of the chief sections of the opposition, the Pelhams and

Lord Hardwicke were in a position to say to the king that they alone could count on the necessary parliamentary support, and they would no longer serve with Lord Granville. If the king thought that Granville could carry on the government, they would stand aside and let him try. The intervention of Lord Orford convinced the king that resistance to such pressure was impossible, and on 24 November/5 December 1744 George sullenly consented to part with his favourite minister. The seals of the northern department were restored to Lord Harrington, who had resigned them to Carteret in February 1742. The latter retired with his wonted absence of ill temper,<sup>1</sup> and undertook to do nothing to impede the conduct of public business, a promise which, unlike most fallen ministers, he punctiliously observed.

The history of the negotiations with the opposition is less familiar, and is naturally much less easy to reconstruct. The obvious and necessary bribe was a share in the spoils of office, the construction of a 'broad bottom', which was the contemporary term for what is now called a coalition. But in this matter they had to face the competition of Carteret, who was quite aware of the plans of his rivals, equally ready to accept the principle of the broad bottom, and, by the absence of any strong party ties, apparently better fitted than Henry Pelham to be the head of a composite ministry. The competition, however, proved to be very unequal. Carteret seemed to have one great asset, the favour of the king, but its fervour and its value were likely to be lowered if it was strained to demand that Chesterfield and Pitt, both specially obnoxious to George II, should be admitted to the royal councils. He set himself, with some success, to gain another powerful supporter in Frederick, prince of Wales, who might be expected to exert considerable influence.<sup>2</sup> Also, if the Pelhams proved troublesome in opposition, he could discredit them by giving to the world his version of what had passed at Hanau. On the other hand, the Pelhams

<sup>1</sup> Nothing irritated the Pelhams more than the imperturbable calm with which Carteret received their complaints. Andrew Stone describes to Newcastle on 4/15 November 1744 (when the tension in the cabinet was at its worst) an angry scene between Carteret and Henry Pelham. The latter was indignant because the king had given away a post that he thought should have been in his hands, and blamed his rival for the insult. The dispute went on to general politics. Pelham said it had been rumoured that he could not raise supplies for next year. He could but he would not, 'unless he knew and approved of the services for which they were to be raised; that this was not a time for *faith*, and many other things to the same effect. Lord Granville went away, seeming in good humour' (Add. MS. 32703, Newcastle Papers, vol. xviii, fo. 407).

<sup>2</sup> *Marchmont Papers*, i, 42 (7 September, o.s.). 'Pitt told me that the prince's attachment to Lord Carteret was much weakened.' As a matter of fact it was the attachment to Pitt which was weakened, and the prince continued to the end to advocate an alliance on the part of the opposition with Carteret. See below, p. 522.

could command a subsidized and docile following in both houses, and a secure parliamentary majority offered more ministerial security than the precarious royal favour for an individual. Carteret might offer a generous distribution of offices, but the Pelhams' bid had more solid purchasing power.

There were other considerations which tended in the same direction. Consistency must be sacrificed either way. It is true that Bolingbroke, who was the principal go-between in the negotiation, tried to picture the opposition leaders as disinterested patriots who desired a genuine change of measures rather than their own advancement, who, in fact, were only willing to take office in order to secure the abandonment of the aims and measures which they had so vigorously denounced. But this was the merest political bunkum. Everybody knew that any substantial change of policy was at the moment out of the question. The king would never consent to it, and his power in this matter was not so shackled as in the choice of ministers. He had parted with Carteret only because he was assured that the general hostility to the minister would impede the prosecution of the war, and only after obtaining from the Pelhams a promise that they would carry it on with greater vigour and efficiency. In fact, it was impossible for them, who had been in office from the outset, to condemn officially all that they had previously sanctioned.<sup>1</sup> The policy of Carteret survived him, and the acceptance of office by the new allies of the Pelhams was a virtual surrender of all the principles which they had professed. This may, it is hoped, be a reason why Pitt was reluctant to accept the ministerial overtures, and why, when the bargain was completed, he supported the ministry without receiving any office.<sup>2</sup> But, glaring as the inconsistency actually was, it would have been far more glaring if they had been tempted to coalesce with Carteret. After all he had been the chief author of recent measures, he had been personally the object of their bitterest invectives; and for this reason their junction with the men who had overthrown him looked like a repudiation of the minister's measures as well as of his person.

Few, if any, historians have noticed the part played by foreign envoys in bringing about the downfall of Carteret and the reconciliation of the Pelhams with their opponents. It is not a very

<sup>1</sup> Newcastle recognized this difficulty. On 14/25 September, when he wrote to Hardwicke that it was necessary 'to remove the cause and the author of all these misfortunes, or to continue no longer ourselves', he added that some people want to put the change on measures. 'If they mean the conduct of the war, I agree; if the war itself, we have gone too far and are committed to its approval' (Add. MS. 32703, Newcastle Papers, vol. xviii, fo. 307).

<sup>2</sup> For an interesting analysis of Pitt's motives at this time, see Ruville, *Chatham*, i. 239-44.

well observed rule which prescribes that such envoys shall take no part in the domestic politics of the state to which they are accredited, but it can rarely have been more honoured in the breach than it was at this time by Andrié, Haslang, and Alt. And here again we note the same inconsistency that appears in so many other aspects of the controversy. The chief topic of these envoys was the ill-faith shown by ministers in the transactions at Hanau.<sup>1</sup> But in these transactions, when William of Hesse's charge of deliberate falsehood had perforce to be abandoned, Carteret appeared to be rather the victim than the villain. Such ill-faith as had been shown had been forced upon him by his colleagues. At one moment he was said to have convinced Andrié of his innocence.<sup>2</sup> Yet, in spite of this, the ultimate effort of these three envoys was to throw discredit upon Carteret, and to convince the opposition leaders that, if the Pelhams had erred, it had been because they had been misled or had received insufficient and misleading information. Doubtless this was due to instructions from home. To William of Hesse Carteret was the man who had befooled and made a mock of him at Hanau. To Frederick and Charles VII he represented the pandering to those Hanoverian prejudices and Hanoverian ambitions, which they persisted in regarding as responsible for the refusal to restore peace to Germany. Carteret must have had in his possession, as it is carefully preserved with the other Hanau papers, a curious letter from William of Hesse to Alt, which illustrates the deliberate decision to whitewash the Pelhams and their associates, and to throw the whole blame upon Carteret. Alt had reported various conversations with Carteret and other ministers on the subject of Hanau. Carteret had offered his apparently truthful explanation that the stumbling-block was article 3 of the projected agreement. The prince will have none of it. On the other hand, he expresses a warm regard for Harrington, and his conviction that if he had been at Hanau last year all would have been well. He also accepts Newcastle's explanation, 'J'y reconnois le ministre juste et équitable'. He and his colleagues would not have objected to article 3, if Carteret had explained that it was only a reasonable subsidy towards the 15,000 men which Charles VII would contribute to the imperial army, and that that army must ultimately be employed, as Carteret professed to desire, against France. He concludes that, if Carteret had

<sup>1</sup> *Pol. Corr.* iii. 288.

<sup>2</sup> *Marchmont Papers*, i. 48: 'Lord Chesterfield told me that it was true that Lord Carteret had convinced Andrié that the rejecting the Treaty of Hanau was owing to the Regency in England, contrary to Carteret's opinion, who thought and did still think it a good treaty; and that Andrié had accordingly written to the King of Prussia.' This entry in Marchmont's diary is dated 27 September (o.s.).

been honest, he would have made a more vigorous effort to defend the scheme, and then nothing could be charged against his good faith. 'Mais qu'il l'avoue, il vouloit faire un Empereur de sa main, et le système général de l'Europe l'occupoit moins alors que la vanité de pouvoir gouverner celui de l'Europe.'<sup>1</sup>

The final failure of Carteret and the success of the Pelhams in coming to terms with the opposition is chronicled by Lord Marchmont on 24 November (o.s.) in the *Diary*, which throws more light on the whole negotiation than any other contemporary document.

Lord Chesterfield told me that Lord Granville had wrote yesterday a very civil letter to Lord Harrington, acquainting him that this day he would give up the seals, and that he heard his Lordship was to have 'em; on which he gave him joy. Lord Chesterfield said this was occasioned by what passed at the beginning of the week; that on Tuesday [sc. 20 November, o.s.] he, Lord Chesterfield, had a message desiring the opposition to come in with Carteret, who would make room for 'em all; and that on Wednesday morning the message was sent to him, Lord Cobham, and Lord Gower, in form, from the Prince by name, but really from the highest authority of all, that they might all come in, on the broadest bottom of all. To which they answered that they were glad of this opportunity to shew the King, the Prince, and the world, that they did not oppose for places, by refusing an offer that must gratify them in places more than could be expected by any body, but that they could not serve with Lord Granville, nor under him; that his schemes were so wild, so impracticable, and so inconsistent with the interest of England, that they could not possibly concur with him, and therefore they rejected the offer.<sup>2</sup>

They had already adjusted the chief places with Henry Pelham, and Chesterfield owned that he himself had chosen Ireland because 'it was a place wherein a man had business enough to hinder him from falling asleep, and not so much to keep him awake'. Marchmont, whom he asked what place he would like to have, replied that no place would be so agreeable to him as that of justice-general, which the duke of Argyle now held, as that would enable him to 'continue to act like a man of honour without being reduced to beggary for it'.<sup>3</sup> The disinterestedness of the opposition was not long lived.

With the fall of Carteret the Hanau controversy came to an end. It had served the purpose for which it had been raised by its German authors, and there was no special reason for them to press it further. Frederick was jubilant at the change of ministry in England, and instructed Andrié to lavish compliments upon

<sup>1</sup> This letter, which must have been intercepted, as so many were at this time, is in Add. MS. 22527.

<sup>2</sup> *Marchmont Papers*, i. 88. See also Yorke, i. 336.

<sup>3</sup> *Marchmont Papers*, i. 90-1.

Harrington and Newcastle.<sup>1</sup> Moreover, the controversy was largely rendered obsolete by the death of the Emperor Charles VII on 20 January 1745, and it became completely obsolete when in the following April Maria Theresa was reconciled with the young elector of Bavaria by the treaty of Füssen. The dreaded debates in parliament on the subject came to nothing, as Carteret kept his promised silence, and Chesterfield and his friends, who in other circumstances might have been trusted to voice the sentiments of outraged German patriots, were now securely muzzled. Pitt was almost alone in alluding to the topic, and he did so because self-justification impelled him to draw an imaginary contrast between the iniquities of Carteret and the merits of the reorganized administration which he supported. 'The object seemed then to multiply war upon war, expence upon expence, and to abet the House of Austria in such romantic attempts as the recovery of the *avulsa membra Imperii*, without regard to the immediate interests of Great Britain.' Among the political errors attacked was 'that of turning a deaf ear to the proposals made by the late Emperor through the channel of Prince William of Hesse'.<sup>2</sup> From most people's minds, both in this country and on the Continent, the transactions at Hanau faded into complete oblivion. Frederick's rather malicious memory cherished it as a standing illustration of British perfidy, and in 1745, when he was for the moment disappointed in Harrington as a negotiator, he denounced him as writing 'a second volume of Hanau'.<sup>3</sup> And it lingered in Pitt's mind as some unexplained and vaguely discreditable mystery. As late as 1755, in his celebrated Rhone and Saône speech, he denounced the subsidy treaties of that year in these terms: 'Are they not measures of aggression? Will they not provoke Prussia, and light up a general war? . . . But, it is said, it will disgrace the King to reject these treaties—but was not the celebrated Treaty of Hanau transmitted hither and rejected here?'<sup>4</sup> Probably many of his hearers failed to follow the allusion.

To this day the episode at Hanau remains a curious and puzzling bit of history. The diplomatic drama was played on a small scale, it attracted little attention at the time, and was speedily forgotten. Twelve months later, it was suddenly recalled to memory, became in England the subject of endless rumours and recriminations, overthrew an eminent minister, and

<sup>1</sup> *Pol. Corr.* iii. 368-70, Frederick to Andrié, 20 December 1744.

<sup>2</sup> This speech was made on 23 January (o.s.) 1745 in the debate on a grant for 28,000 men to be employed in Flanders. See *Parl. Hist.* xiii. 1056, and Coxe, *Pelham* i. 212.

<sup>3</sup> *Pol. Corr.* iv. 126, Frederick to Andrié, 20 April 1745.

<sup>4</sup> Quoted in Horace Walpole, *Memoirs of the Last Ten Years of George II*, i. 217.

compelled the king to accept a distasteful coalition; and then it was forgotten again. Quite apart from these dramatic consequences, the episode itself is wrapped in a good deal of mystery. What were the motives of the principal actors? We probably know as much as we need to know of the aims of William of Hesse and of the misgivings and suspicions of the London regency. It is probable that Charles VII was genuinely angry at his desertion by the French, and that he was at the moment eager for a settlement with Maria Theresa. Frederick of Prussia was annoyed at the slight regard paid to himself and to his envoy, but he had every reason except personal vanity to hope that the negotiation would succeed. But we know very little of the motives which guided George II, who must have been in close touch with all that went on at Hanau. George II is one of the most inarticulate of kings, a man of few words and of fewer letters. He was a born martinet, a hater of constitutional government, a hater of Prussia and the Prussian king, and a genuine lover of Hanover. Strong, obstinate, limited in outlook, he was easily guided, as his wife had shown, by a mentor who could make it appear that his advice was extracted from him by the superior wisdom of the king. He was undoubtedly ambitious to play a great part in Europe, and his attachment to Carteret rested far less on the latter's alleged pandering to Hanoverian interests than on the king's conviction that this minister could do for him what Stanhope had done for his father at the time of the Quadruple Alliance and the pacification of the north. Nothing could have pleased him more than Carteret's reminder to Frederick, when the latter was protesting against the entry of the Pragmatic Army, that his master might be a younger elector than the king of Prussia, but he was a much greater king.<sup>1</sup> What attracted George II at Hanau was the idea of posing as the dictator of a German settlement, and of thrusting Prussia into the background. Later he became annoyed by the persistent pushfulness of Finckenstein, and began to distrust the wisdom of a settlement which commanded Prussian approval. So he acquiesced in the rejection, as he had acquiesced in the apparent acceptance of the proposed terms.

But the supreme puzzle of Hanau is the motives and aims of Carteret. It is quite clear that no trust can be placed in the simple story that he wished to tell in 1744, that he had been a genuine enthusiast for the reconciliation of the emperor, and that he had been thwarted by jealous and disloyal colleagues at home. Before this could be accepted it would be necessary to solve a series of riddles to which no satisfactory answer has yet been forthcoming. (1) Why after his cool reception of Prince

<sup>1</sup> State Papers, For., Prussia, 55, Carteret to Hyndford, 24 December (o.s.) 1742.

William's original overtures, did he take the trouble to map out the more adequate and thoroughgoing suggestions of 14 July ? (2) Why did he allow the inclusion of so unsatisfactory and vague an article as no. 3 about the subsidy, which he admitted at the time to be indefensible ? (3) Why did he refuse to sign the *Projet d'Assurance*, and suddenly insist upon sending the documents to London, where he knew from previous correspondence they would be condemned ? (4) Why did he scrupulously send the original communications from the emperor to Vienna, and refuse to send the far more important suggested terms of 14 July ? (5) Why did he delude William of Hesse during the last fortnight of July with hopes which he knew would be disappointed ? (6) Why, when the answer came from London, did he make no effort to combat the opinions of his colleagues, and why did he immediately give such a chilling reply to William of Hesse ? (7) If he had such a simple and convincing defence as most English writers assume, why did he make so little of it in the struggle of 1744 ? Why did he allow his opponents to extricate themselves from the trap, and, with the help of German envoys, to transfer the blame from themselves to Carteret ?

Categorical answers to these questions may be impossible, and would certainly take a long time to compile. But a survey of the available evidence may suggest certain considerations from which at any rate partial answers may be constructed. Two initial points must be made. (1) The term 'treaty' is a question-begging misnomer, employed by the opposition to suggest the repudiation of an agreed bargain. It is quite obvious that there was nothing at Hanau that could be called a treaty except the *Projet d'Assurance*, which referred to certain payments during the next few weeks. William of Hesse himself admits that Carteret insisted on heading the suggested terms with Austria as *Projets et Idées*,<sup>1</sup> in order to emphasize the fact that nothing had been approved, and that everything was still open to discussion. Carteret cannot be blamed if Prince William jumped to a more hopeful conclusion than was warranted. (2) The negotiation at Hanau has been largely misunderstood and misinterpreted because the story has too often been narrated in watertight isolation. A chapter, or a paragraph, according to scale, is devoted to the situation in Germany in the summer of 1743 ; another chapter, or paragraph, is devoted to the situation

<sup>1</sup> In Add. MS. 22527 is a copy of a letter from William of Hesse to the emperor, dated 16 July 1743, in which he explains that Carteret had insisted upon this heading, and that therefore it had been impossible to press for a signature of this document, though he was disappointed that the other, the *Projet d'Assurance*, had been referred to London instead of being signed at once. This is a slight divergence from his subsequent narrative, where he states that he expected both documents to be signed on 15 July.

in Italy. In the one we have the fiasco at Hanau ; in the other the negotiations leading to the treaty of Worms. Apparently they have nothing to do with each other. Yet both took place in Germany, and Worms is not very far from Hanau. Carteret had the German and the Italian problems before him at the same time, and his conduct in the one cannot be dissociated from his treatment of the other.

Carteret's policy in the war, looked at on a large scale, passes through three well-marked periods. (1) At the outset he concentrated his efforts on detaching Frederick from the anti-Austrian coalition. He succeeded in doing this by the treaty of Breslau. (2) Then he set himself to build up an anti-French league in Germany, and to form a solid alliance between Austria and Sardinia in Italy. In the former plan he failed, but in the second he was successful in the treaty of Worms. (3) After Frederick's intervention in August 1744 ruined for the moment his anti-Bourbon schemes, he turned his attention to Saxony and to Russia, and in order to gain Saxony was compelled to assent to a projected reconquest of Silesia. At this moment he was overthrown, but his policy survived him. The quadruple alliance, including Saxony, was his work, though it was not signed till a month after his dismissal. British subsidies were spent in 1745 in equipping forces against Silesia, and it was not till Hohenfriedberg had shown the difficulty of defeating Frederick, that Harrington and his colleagues fell back upon the policy of once more buying off Prussia.

Hanau belongs obviously to Carteret's middle period, when his supreme aim was to concentrate the maximum of forces against France and Spain. Through the winter of 1742-3 he was keenly interested in forming 'some certain Bond or Confederacy wherein to collect and unite the several well-disposed members of the Empire under the standard and protection of the Queen of Hungary'.<sup>1</sup> Sir Thomas Villiers was to leave Dresden, to concert measures with Robinson and the court of Vienna, and thence to pay a round of visits to the principal German courts. As Frederick was at the same time also endeavouring to form a German league to defend the neutrality of the empire and to resist the aggression of Austria and the Austrian allies, British and Prussian diplomacy constantly crossed each other, and Frederick humorously suggested to Podewils that Carteret might help him to form a league without having its purpose disclosed to him.<sup>2</sup> It was clear from the outset that Carteret's league, if it was to be at all complete or efficient,

<sup>1</sup> Instructions to Villiers, 23 December (o.s.) 1742, in Carteret Papers, Add. MS. 22530, fo. 31.

<sup>2</sup> *Pol. Corr.* iii. 41

required a reconciliation between Bavaria and Austria, and a reconciliation on terms which would be acceptable to Prussia. Hence the negotiations conducted by Hyndford at Berlin on the basis of satisfying Bavaria by secularizations. The plan was doomed to failure by the impossibility of obtaining Austrian assent, and it was dropped when Charles VII repudiated all idea of secularization. But the desirability of a reconciliation remained, and, as has been seen above, the failure of the French to defend Bavaria brought William of Hesse first to Hanover and then to Hanau.

Side by side with these German negotiations Carteret had been engaged in endeavouring to arrange a secure triple alliance between Austria, Britain, and Sardinia. The difficulties were twofold. Charles Emmanuel demanded cessions from Maria Theresa, and it was difficult after Breslau to suggest further sacrifices on her part. Even if she agreed to the Sardinian demands, she insisted as a necessary condition that she must first be assured of compensation not only for what she now gave but also for Silesia. After the battle of Dettingen, Carteret seemed more than ever to be the arbiter of all these problems, and he was followed to Hanau not only by William of Hesse, but also by Osorio, the representative of Turin, and by Wasner, the experienced and conciliatory envoy from the court of Vienna.

Thus, both in time and in place, the German and the Italian negotiations were brought together. They had this in common that both involved sacrifices on the part of Maria Theresa. And it was clear that in her present temper, and in the elation caused by recent successes, she would not give way in both directions. Sooner than do this she would throw over the maritime powers and make her own terms with France. On the other hand, the two might fit into each other, and a little adroit pressure in the one direction might make the queen more willing to advance in the other. Carteret had no difficulty in deciding which of the two was at once the more pressing and the more feasible. Without Sardinia the expulsion of the Bourbons from Italy would be impossible, and it would be difficult to retain either the Milanese or Tuscany. Charles VII, on the other hand, was too powerless to make his satisfaction a necessary condition of an invasion of Alsace. Also, much as Maria Theresa might denounce the demanded cessions of strips of Italian territory, their loss would be trifling compared to the surrender of Bavaria and the acquiescence in the loss of the imperial title by the Austrian house.<sup>1</sup> On the double ground of importance and of feasibility, the Sardinian

<sup>1</sup> State Papers, For., Germany, 160, Robinson to Carteret, 4 August 1743: 'Count Starhemberg said that the King of England might dispose as he pleased of all Lombardy, were the Queen to keep Bavaria.'

negotiation was the more vital, but it might make Austria a little more compliant if stress were laid upon the desire of Britain and Hanover for a durable settlement of German disputes. Hence Carteret's apparent willingness to adjust terms with the prince of Hesse. As he wrote to Newcastle, it was deemed of importance either to gain the emperor or to 'keep him in suspense'. But, in the meantime, he did not run the risk of sending the projected terms to Vienna. The clue to Carteret's conduct at Hanau is to be found, not in his letters to his colleagues in London, but in his correspondence with Robinson at Vienna. The Good Patriot and William of Hesse were both essentially right in associating the failure of the German negotiations with the treaty of Worms.

The two negotiations were destined to be more closely connected than ever when Wasner came to Hanau with the proposal that, with the help of Sardinia, Naples and Sicily should be conquered and given to Charles VII as compensation for his electorate. Kaunitz, at this time the Austrian envoy at Turin, declared that the suggestion came from Villettes, the British agent at the same court, and that he presumably had the sanction of his government. It was in vain that Carteret declared that Villettes had no authority to make such a suggestion, and that he could not have ventured to do it on his own account. It was equally vain for Villettes to say that he had never spoken of the matter to Kaunitz, that if he had mentioned it to any one it was merely as a current rumour, and that, in fact, the suggestion had been made by Kaunitz himself as long ago as the previous November.<sup>1</sup> The Austrian government clung tenaciously to this egregious scheme, which would have banished the elected emperor from German soil, and would infallibly force Prussia back into the war. In these circumstances Carteret could not possibly press the immediate restoration of Bavaria, without risking the chance of losing Austria altogether.<sup>2</sup> He had reason to congratulate himself that he had not gone any further with William of Hesse,

<sup>1</sup> Carteret's letter to Robinson of 24 July 1743, and the letters from Villettes to Robinson of 27 July and 3 August 1743, are in Robinson Papers, vol. xxxvi (Add. MS. 23815). Villettes's assertion that Kaunitz had suggested the transplantation of Charles VII to Naples in the previous winter is confirmed by Arneth (ii. 285), who refers to two memoranda on the scheme drawn up by Kaunitz and forwarded to Vienna, one of which Kaunitz himself boasted had been drafted at the end of 1742.

<sup>2</sup> Arneth admits (ii. 287) that Maria Theresa had strong inclinations at this time to come to terms with France, and this gives some justification for the alarm which Carteret's audacious policy inspired in Newcastle and Lord Stair. Hatsel's overtures were sent to Bartenstein as well as to Erthal, the minister at Mainz (*ibid.* ii. 523), and Robinson evidently suspected that if Carteret had not artfully sent them to Frederick the Austrian ministers would have paid some attention to them. Maria Theresa was extremely indignant that Carteret had termed the proposal about Naples 'a complete and sudden reversal of the terms of the Treaty of Sardinia', and declared that Austria had been so weakened by cessions that it was only reasonable to strengthen its centre. All this made it difficult for Carteret to press for the restoration of Bavaria.

and that he had not sent the documents of 14 July to Vienna. So he took the excuse of Newcastle's answer to get rid of Prince William. But both pride and policy forbade any appearance of surrender to Austrian ill will. Maria Theresa must recognize George II as the predominant partner, and must not disregard her obligations to Britain. And so, in spite of Newcastle and the regency, he continued to negotiate with Charles VII through Haslang, scouted all idea of transferring the emperor to Italy, and insisted, even at the risk of alienating Austria, that Maria Theresa could not *iusto titulo* keep Bavaria.

These considerations explain why Carteret made no effort to induce his colleagues to change their mind about the original negotiation. It had never gone as far as was supposed. Carteret's reply to Newcastle's disapproving letter is rather apologetic than controversial. He had been misunderstood. Neither the king nor he had ever thought that a conclusion could be made from Prince William's suggestions, and both had considered the article about the monthly subsidy so unacceptable that they had never discussed where the money was to come from. All that he had wanted to ascertain was what national support his majesty could expect if he agreed to give the 300,000 crowns in the present conjuncture. And then he pointed out how the invasion of Alsace would be facilitated if the emperor would undertake to defend the Rhine.<sup>1</sup> This was a mere platitude, and it was easy for Newcastle to reply that he did not question the advantage of gaining Bavaria, so long as it did not involve the loss of Austria.<sup>2</sup>

The simple fact was that Carteret never had the slightest intention of pressing the Bavarian demands at the risk of a rupture with Maria Theresa. And nothing short of the most extreme pressure could have made her give way. The ministers in London did not put an end to a proposed German settlement, because in the circumstances no such settlement was possible. They did not, as has been seen, put an end to the negotiations with Charles VII which still continued as a means of putting pressure upon Vienna. And that they served this purpose is proved by an illuminating letter from Robinson to Carteret on

<sup>1</sup> Carteret to Newcastle, 24 July/4 August 1743, in Add. MS., 22536, fo. 137. This letter is conclusive that Carteret had no intention of pressing the Hanau project, and proves equally that, if he ever had such an intention, he had abandoned it when he resolved on 15 July to refer the matter to London.

<sup>2</sup> Newcastle to Carteret, 26 August (o.s.) 1743 in Add. MS., 32701, Newcastle Papers, vol. xvi (quoted in Coxe, i. 90). 'As to Bavaria, the engaging the Emperor and Empire to concur, in earnest and effectually, in a war against France (especially if the consequences would be the bringing in of Holland) would be a great and glorious work. But, if the means of getting the Emperor should occasion the loss of the Queen of Hungary, there would be no advantage by the exchange.'

27 August, a fortnight before the conclusion of the treaty of Worms. He narrates various interviews with ministers. Ulfeld had complained of Carteret's continued demand for the restitution of Bavaria, and had declared that this, far more than the demand for Piacenza, was the great obstacle to a settlement. Bartenstein had urged a connivance at the temporary possession of Bavaria, or at least of its revenues, and Robinson<sup>1</sup> thinks that if this connivance had been assured, 'we should probably never have heard of the plan of giving Naples and Sicily to the Emperor'. He continues: 'In a subsequent discourse which I had with Mr. Bartenstein, I am only more and more confirmed in the inflexibility of this court as to *tacking* the affairs of Germany to those of Italy, that is to say, as to the expecting some assurance or other of an indemnification for Silesia.' Hence if nothing is said about Bavaria, or if we give assurance of a temporary possession 'which may enable them to make an *advantageous* war upon France, this court will give even the town of Placentia and conclude the definitive treaty'. And this was the ultimate basis of the bargain. Wasner's signature to the treaty on 13 September was extracted by the assertion that, if he did not sign, Sardinia would at once accept the advantages offered by France, but the terms of the treaty were purchased by the dropping of all that had been discussed at Hanau, and by the tacit acquiescence on the part of Great Britain in the continued occupation of Bavaria. This price Carteret had to pay, and was probably always willing to pay, but it served his interest to raise the value of his concession by going as far as he could in the direction of refusing it. Newcastle, who was not wanting in acuteness, at once recognized the relation between the treaty and the previous negotiation, when he wrote to Lord Orford: 'By this treaty all negotiation with the Emperor is entirely at an end.'<sup>2</sup> This is precisely what William of Hesse declared twelve months later. It was not easy for Carteret to deny its substantial truth.

RICHARD LODGE.

#### NOTE

Since this article and its predecessor were written, I have found in volume 335 of the Newcastle Papers a manuscript narrative of the Austrian Succession war, entitled 'Historical Review of the rise progress and conclusion of the late war, with impartial reflections upon the definitive treaty concluded at Aix-la-Chapelle on 7/18 October 1748'. It was obviously drawn up for Newcastle, and was revised and corrected by him. Its purpose was to justify the conduct of ministers, and especially that of Newcastle and his most intimate colleagues. The account of the negotia-

<sup>1</sup> State Papers, For., Germany, 160, Robinson to Carteret, 27 August 1743.

<sup>2</sup> Add. MS., 32701, Newcastle Papers, vol. xvi, Newcastle to Orford, 16 September (o.s.) 1743. See also Coxe, *Pelham*, i. 96.

tions at Hanau, drawn up after all excitement had disappeared, is interesting as that which Newcastle was willing should be made public. After stating that Dettingen might have been expected to contribute to a peace between the emperor and Maria Theresa, and that every justifiable measure was attempted by British ministers at Hanau to 'lay the foundation of a general and lasting pacification in Germany', the anonymous author continues thus :

The Emperor indeed offered to withdraw his own forces from the armies of France, and to use his best endeavours to persuade them likewise to retreat from Germany. But he expected, in return, that there should be paid to him annually a considerable subsidy, such as would be sufficient to support his imperial dignity till a satisfactory equivalent could be obtained for him elsewhere, that is for an unlimited time.

Now it was known that the last condition he offered was in reality giving us nothing, the French having at that very time received orders to evacuate Germany and to retire (as in fact they did) to their own frontiers with all possible speed. The other was that a very large sum of money should be given for no greater advantage than the Emperor's bare neutrality (for he could not be prevailed upon to join the forces of the allies and to act offensively against France), and that at a time when he was so disabled as to give us little reason to be apprehensive of the utmost he could do either against us or our ally. No wonder therefore if after mature deliberation the advantages which were likely to accrue to the common cause in general from such proposals were found light in the scale when compared with the subsidy which England alone and in particular must have furnished for them ; and that our ministers were not eager to conclude a treaty which they would have experienced it no easy matter to have justified afterwards to the nation.

It is noteworthy that this account makes no allusion either to a division in the ministry or to difficulties with Austria, and throws the whole blame upon the emperor's demand for a subsidy.

*Brougham, Lord Grey, and Canning,*  
1815-30

I

THE political conduct of Henry Brougham between 1815 and 1830 has never been thoroughly explored, although the investigation would clear up many questions in the history of the whig party that are still obscure. The *Creevey Papers* supply some welcome data ; but the animus of Creevey and his correspondents against Brougham is so great that their evidence must be treated with the utmost caution. The letters which Brougham printed in his own *Memoirs* are better evidence both of the position which he occupied in the whig party and of his own hopes and plans. But it is sufficiently obvious that he has suppressed many incidents, and many letters written by himself and by his regular political correspondents. In the following pages will be found the more illuminating parts of his correspondence with Sir Robert Wilson in 1827. Wilson aspired to be one of the whig party managers. Up to 1827 he maintained a regular correspondence with Earl Grey. He was one of those whigs who negotiated with Canning in 1827, and he entered the negotiation as Brougham's proxy. It is evident that Brougham counted on Wilson to organize the party of the coalition whigs, both during their short tenure of power in 1827, and afterwards when they were claiming to be the legitimate opposition and endeavouring to make a new treaty with the Canningites. Two letters which passed between Brougham and Place in 1816 are also given, because they suggest that, even at this date, in Brougham's most radical period, his connexion with what he called the 'Cartwright school' was not very intimate. All the evidence, printed and unprinted, suggests that Brougham's leading idea was to found a new party of moderate whigs and enlightened tories, and to embark on a programme of legal reform and social amelioration which would cause the threadbare party questions to be forgotten. Unfortunately his training, his habit of mind, and his incorrigible volatility, made him the least suitable of all men to guide such a party and hold it together. His good intentions were generally discredited by his lapses into egoism and duplicity. It was left

for Canning and for Grey to bring about the coalitions in which Brougham's ideal was given a more or less imperfect trial. We may further doubt whether Brougham would have been successful as the draftsman of reforming legislation. His *forte* was oratory ; and even as an orator he is far from fertile in constructive suggestions. Yet there must have been more in Brougham than Creevey or Croker will allow. In some strange fashion he attracted the regard and admiration even of statesmen who positively refused to work with him. Lambton, Althorp, Melbourne, and Grey himself, however often they detected Brougham in mischievous and disingenuous pranks, still appear to have regarded him with something like esteem. Brougham in fact belonged to the race of 'the giants before the flood'. His political morals and his oratorical powers would have given him a great position in the parliamentary politics of the eighteenth century ; they were out of date before the death of George IV, and in the period of the whig ascendancy after 1830 they seemed archaic. The interesting fact is that a man who was so faithful to antiquated models in some respects should at the same time have rebelled against the conventional divisions of the party system, and should have seen that social reform was the real problem of the future.

## II

In the session of 1816 Brougham was the most active orator of the opposition, and was displaying, in his attacks upon the policy of the government, an intemperance which delighted the Westminster radicals but scandalized his own party. After his speech of 9 February against the Holy Alliance Charles Western wrote to Creevey :

I have always thought that he had not too much sound sense nor too much political integrity, but he has outstripped any notion I could form of indiscretion. . . . He could not have roared louder if a file of soldiers had come in and pushed the Speaker out of the Chair. . . . When I say that he has damaged himself past redemption, I mean as a man aspiring to be leader ; for to that his ambition aspired, and for that he is DONE now.<sup>1</sup>

But it was on questions of home politics that Brougham had resolved to concentrate in this session, and among such questions he gave the first place to retrenchment, 'the richest mine in the world'.<sup>2</sup> He found his opportunity on 11 March, when one of his followers moved to reduce the estimate for the household troops. Brougham's speech in support of the amendment was a remarkable success, but apparently gave umbrage to a number of moderate whigs. Not content with insinuating that the guards were maintained at an abnormal strength 'to pamper a vicious

<sup>1</sup> *Creevey Papers*, 249 (3rd ed.).

<sup>2</sup> *Ibid.* 248.

appetite for military show, to gratify a passion for parade', which, he heard, existed 'in some high quarters', Brougham taxed the government with designs to increase the powers of the executive and extend the influence of the prerogative. He ridiculed the suggestion that London was seditious. 'To produce a Jacobin, or a specimen of any other kindred tribe, would, I verily believe, at this time of day baffle the skill and the perseverance of the most industrious and most zealous collector of political curiosities to be found in the whole kingdom'.<sup>1</sup>

This speech delighted the radicals, for whose consumption it was probably intended. Twice in the next fortnight Brougham went out of his way to speak on a petition from the electors of Westminster; and on 23 March Francis Place, who held that very radical constituency, was moved to write Brougham a letter, perhaps with reference to the speech of 11 March, of which we will quote the most significant portions:

My dear Sir:—I can hold my tongue no longer, but must congratulate you on your manly English speech; my admiration alone would not however have caused me to trouble you with uncalled for advice, but when you are in everybody's mouths, when all minds are employed upon you, I must tell you what passes and advise you also. My shop is in some degree a centre of communication, where all manner of persons bring all kinds of information, where every one talks as he pleases. Those who really love their country expect to see you in the exalted station to which their hopes have raised you and treat with scorn the insinuations and assertions of those whom the obsequious practice of late days and an hatred of liberty have caused them to utter (*sic*) . . . You I hope are not made for mediocrity. You have indeed stepped out and taken the lead from those who cannot but envy and soon must hate you. You have placed yourself full in the front of the people; you have made yourself a distinguished and marked object to them . . .

After this handsome encomium Place, with his customary shrewdness, ventures upon a warning which shows that he knew the weak spot in his correspondent's armour:

You are called upon to scrutinize your own mind, carefully to observe what passes there, to assure yourself that you sufficiently understand your own powers, that you can rely undeviatingly on your own firmness, in fact that you can continually depend on possessing that best but most rare kind of courage, *the daring to do right*. None but a strong-minded man, none but a man possessing vast powers, could have possessed himself as you have done of the ear of the whole people of England. None but the best constituted mind can keep that possession; none but a man who is eminently useful can long retain it. Your enemies, the enemies of England, are calculating on your retrograding, as they call it, into the gentleman; do it and they will be the first to howl against you for having done it.<sup>2</sup>

<sup>1</sup> *Speeches*, i. 613.

<sup>2</sup> Brit. Mus. Add. MS. 37949, fo. 37.

To this letter Brougham replied on the same day :

My dear Sir :—Many thanks for your kind and encouraging counsels. In some respects, I doubt not, the conduct of our parliamentary friends has been exaggerated to you. The sounder part of them, I would fain hope, only yielded for a moment to the passing storm, and have now recovered from their panic. But be assured of one thing. I shall hold my course firmly, happen what may, and all I expect or wish for is, that if I should be deserted in the House of Commons, I may at all events be supported in the country. This will rally our friends in the House, and at any rate will keep our enemies in check.<sup>1</sup>

In July 1814 there had been a design among the parliamentary radicals to bring Brougham forward as a candidate for Westminster. But he rapidly fulfilled the prediction that he would 'retrograde into the gentleman'. Early in the session of 1817 he went out of his way, in speaking of the depression of trade, to defend the corn law of 1815 as a temporary resource and an exception justified by special reasons, many of them temporary in their nature.<sup>2</sup> By the beginning of 1819 he was suggesting to Lord Grey that it would be advisable to leave parliamentary reform upon the shelf, for fear that the whigs might incur the reproach of sympathizing with the 'Burdettites' in the house of commons and the 'Cartwright school' outside it.<sup>3</sup>

It was during 1819 that Brougham and that gallant but feather-headed soldier, Sir Robert Wilson, began to draw together. Both were at that time on the friendliest terms with Lord Grey. Both sympathized with his detestation of the radical agitators who were endeavouring, in the summer of that year, to make capital out of the Peterloo affair. Both were anxious that the whigs should seize the opportunity of making a new bid for popular support and a new attack upon the ministry. Each of them was urging Grey to approve an out-of-doors campaign in which whig orators should meet the discontented middle classes face to face at county meetings. But they differed as to the remedial measures which these meetings should be invited to approve. Wilson was a radical in theory. He had lately joined the Rota, a parliamentary dining club which was founded by Burdett and Hobhouse in 1818 to organize a constitutional agitation for parliamentary reform ;<sup>4</sup> he desired that the county meetings should be utilized for this purpose, and that the whigs should not allow reform proposals to become the monopoly of the agitators. On 5 October 1819 he wrote to Lord Grey :

I am happy to find the Counties are coming forward. Indeed it is high time. Every day's delay makes the effort less certain of success. The Whigs and

<sup>1</sup> *Ibid.* fo. 38.

<sup>2</sup> *Memoirs*, ii. 340-1.

<sup>3</sup> *Speeches*, i. 568.

<sup>4</sup> Broughton, *Recollections*, ii. 113.

Gentlemen of England should take their stand and await the command or lead which will readily be given them here. Although in their resolutions they do not introduce Reform, that end must be a prominent feature in the speeches of those who represent the party. I am satisfied it would be better not to move at all than to disappoint and fret the Publick by an omission of that topic. Reasonable Reform is inseparable from the Manchester question. Do not credit those who tell you the Community are indifferent about reform. I know the contrary is the prevailing opinion among all the discontented who wish the Whigs well, and I have not a single letter which does not allude to that subject and designate you as the man and this as the time to do homage again to the principle and thus save the country.<sup>1</sup>

Finding that Grey dissented from him, Wilson a fortnight later returned to the charge, almost with vehemence (29 October) :

The difference between us seems to be that you entertain more apprehension of the Radicals than the Terrorists. I have very little for the former if the laws be not outraged to check them, and if reasonable concessions be granted to the spirit of Reform which is abroad ; but I have the greatest alarm of the latter. . . . They are desperate tyrants and merciless. They care for nothing but the preservation of their own authority, and I firmly believe they would rather rule over a ruined Empire than over the Empire saved by the hands of others. The Radicals are ill-fed and misled. The Terrorists are tyrants in nature, education and habits.<sup>2</sup>

Brougham's policy was more guarded. In effect he took his cue from Grey, who saw in the crisis a chance of rallying to the whig standard ' a great proportion of the property of the country ', and who, to secure this aim, was prepared to take the middle course of rebuking Hunt and his associates, but at the same time defending ' the safeguards of the constitution ', the rights of the individual as defined by the existing laws. Brougham was in favour of county meetings, at which the whigs should ' continue firm and cautious ' :

We are sure of a friendly reception—wherever we appear among the people—only telling them fairly and openly that on certain points we differ, and will not therefore now say anything, but that we are resolved to stand by them where we think them right, and to do what we can towards redressing grievances of which we think they can justly complain, and towards bettering their general condition by all the means in our power.<sup>3</sup>

On 1 November, two days after Wilson had advised union with the radicals, Brougham advised a breach with them :

The Radical meeting to-day in Finsbury Place is over, having failed indeed ; they say not above 1,200 present. These fellows are clearly dished by respectable people coming forward. The more I see and hear, the more I conceive some clear, short and firm declaration of the party necessary,

<sup>1</sup> Brit. Mus. Add. MS. 30123, fo. 80.

<sup>2</sup> *Ibid.* fo. 91.

<sup>3</sup> *Memoirs*, ii. 346.

separating ourselves (without offensive expressions) from the Radicals, and avowing our loyalty, but at the same time our determination to stand by the constitution, and to oppose all illegal attempts to violate it and all new laws to alter its free nature.<sup>1</sup>

Brougham and Wilson had their way about holding county meetings. But owing to the attitude of Grey and Brougham the party agreed upon the cautious policy of ignoring the demand for constitutional change. Even Lambton, who was deeply committed to reform, dissociated himself from the popular agitation for immediate change.<sup>2</sup> Wilson's advice was rejected, to his great chagrin. But he was very far from being a true radical. In 1831, when Brougham and Grey were fighting in earnest for parliamentary reform, Wilson's courage failed him, and he voted with the tories to wreck what he then called 'the initiatory measure of a system of republican government'.

### III

The first advance which Brougham made to any of the tories was probably a speech of 12 May 1820, in which he expressed a desire to see the formation of a coalition government. Its significance is explained to Lord Grey in a letter from Wilson (13 May) which was not improbably inspired by Brougham :

You will have heard what fell from B[rougham] last night about a ministry composed of all parties. My opinion is noted in Lambton's explanation to you that this was a designed and deliberate proposition. Certain it is that the House and the Treasury Bench assented to the principle ; and that it will be acted upon by some means or other I have not the slightest doubt, *laudante populo*. Whether any arrangement is practicable is another question, but I am sure that the offer should not be rejected, if made, without very serious consideration ; for such reflexion is due to the country and a different mode of proceeding would incur a heavy responsibility. It must however be done with a most disinterested feeling, so that no suspicion may be attached to the parties. I wish Lambton and some others would hold more statesmanlike silence at all events on the subject. If things remain *in statu quo* as to the Government, their estates are not worth two years' purchase.<sup>3</sup>

These hopes were soon dashed to the ground. On 19 May Wilson writes again to Grey :

Things remain *in statu quo*. Parliament afraid to act and Party on all sides averse to take the initiative. My own belief is, however, that a strong independent body is forming which will be eventually the commanding force. The King does not propose the change, but he is prepared to change if such be the expressed wish of the House of Commons. In good truth I believe his whole thoughts are with the Queen and Lady C.<sup>4</sup>

<sup>1</sup> *Ibid.* ii. 350-1.

<sup>2</sup> *Brit. Mus. Add. MS.* 30123, fo. 155.

<sup>3</sup> Reid, *Lord Durham*, i. 124-5.

<sup>4</sup> *Ibid.* fo. 159.

It is not particularly hazardous to conjecture that the queen's case was the lever upon which Brougham was relying at this juncture. Up to the month of June he was regarded by ministers as a man who could arrange a compromise and who was honestly willing to do so. But his price was a high one, and it is probable that even his audacity shrank from naming it, at least to the persons who could have resolved his doubts. The shrewd Mr. Creevey writes :

When I recall to mind how often, during our journey to Middleton at that time [Jan. 1820], he spoke of the Whig candidates for office with the most sovereign contempt—how he hinted at his own intercourse with the Crown and Ministers, and conveyed to me the impression that he thought himself more likely to be sent for to make a Ministry than any one else—how clear it is that the accomplishment of this divorce was to be the ways and means by which his purposes were to be effected.<sup>1</sup>

Creevey's suspicions were not altogether baseless, though it may be noticed that neither Lord Liverpool nor Canning appears to have understood Brougham's conduct in this sense. Lord Liverpool, for a time at least, thought Brougham an honest if a clumsy mediator; while Canning was equally sure that Brougham had meant from the first to frustrate all attempts at mediation.<sup>2</sup> The truth is that Brougham hoped to reap great advantages for himself and for his party from the queen's affair, but never was able to decide whether it was better to support her to the last gasp or to oblige ministers by arranging a private compromise.

It seemed likely in the autumn of 1820 that the chance of Brougham and the whigs would come in another shape. Even before Lord Liverpool announced that the government would not go to the house of commons with the Bill of Pains and Penalties (11 November), the whigs were confidently expecting to come into power, and Lord Grey began to prepare a list of the future whig cabinet. He offered Brougham the post of solicitor-general, which was contemptuously declined. Brougham explained his refusal to his brother very clearly : ' I will not lose my influence in the country, so capable of being turned to the best purposes. This I should lose by taking such a place as solicitor-general, and I can make as much money as I have occasion for without any place. If they come in, I shall be a far better support to them, if I am out of office.'<sup>3</sup> The resignation of Canning in December created a general belief that the Liverpool ministry could not go on. On 21 December Wilson wrote to

<sup>1</sup> Creevey, 365.

<sup>2</sup> Stapleton, *George Canning and his Times*, pp. 299-300.

<sup>3</sup> *Memoirs*, ii. 402.

Grey, who seems to have been less sanguine than some of his followers :

The resignation of Canning will prove that I had some foundation for my credulity, and I have reason to believe that his resignation will produce immediately all the consequences I anticipated. The Duke of Wellington has been endeavouring to form an administration, but altho' Gascoigne thinks he will succeed, I doubt, for Peele (*sic*) will not join him, and if he did, how long will an administration composed of Bigots and Terrorists last ? <sup>1</sup>

These anticipations were founded on the belief that the Canningites would follow the example of their chief. They did not. Huskisson, in particular, remained in office 'because he saw that to resign at that moment would have been to act most unfairly by Mr. Canning, in giving his retirement a character which did not belong to it, and which might embarrass the Government'.<sup>2</sup> Still Canning's departure left the government without any orator of note in the commons, and Mr. Croker (20 December) thought it possible that Lord Liverpool should make an offer to Brougham.<sup>3</sup> So no doubt thought Brougham. But Lord Liverpool preferred to wait for Peel or for Canning. Peel he secured early in 1822, and Canning, through the unexpected accident of Castlereagh's death, in the autumn of the same year.

Of whig manœuvres in 1821 and 1822 we learn just enough to make us desire more information. There can be little doubt that Brougham now fixed his hopes upon an alliance with Canning. Writing of the events of 1827 he says : 'I had for many years been convinced that the best, if not the only hope of having that [i. e. the catholic] question carried, was the union between Canning and the leading whigs. I was persuaded that such an union would do much to disunite and finally to break up the Tory party.'<sup>4</sup>

One possible way of reaching this consummation was to undermine the personal ascendancy of Liverpool, who was the connecting link between the party of Canning and those older Tories called by Palmerston 'the pigtails'. This plan had occurred to Brougham and not to him alone. Some of the whigs hoped to make capital, for this purpose, out of the ill will which George IV cherished against Liverpool. Liverpool thought that Grey himself was working along this line of attack, and communicated his suspicions (September 1821) to Mr. Croker :

I called on Lord Liverpool. . . . He talked a good deal and freely about Lady Conyngham and her designs against the Government. I said that I had seen no marks of it . . . and that I hardly thought that she was ready

<sup>1</sup> Brit. Mus. Add. MS. 30123, fo. 227.

<sup>2</sup> *Huskisson's Speeches*, i. 79 (introductory memoir).

<sup>3</sup> *Croker Papers*, i. 184.

<sup>4</sup> *Memoirs*, ii. 436.

to run all the risks of throwing the King and herself into the arms of the Opposition, and I asked, would the Opposition, with all their boasted public virtue, dare to receive the Government from a female intrigue? He said, yes, no doubt that Lord Grey paid great court to Lady C. What Lord Lansdowne might do was more doubtful, as he was a cautious and reserved man, whose sentiments were not so easily discoverable.<sup>1</sup>

Grey had an insuperable mistrust of Canning, and it is highly improbable that, in 1821, he was prepared to lay aside this prejudice. It is also improbable that he personally made any advances to Lady Conyngham. But there is evidence that other whigs, especially Lambton, Grey's own son-in-law, and Brougham, who was still considered a loyal follower of Grey, based certain hopes upon this lady's influence with the king. In August 1822 an opportunity of a better kind appeared. On 15 August, four days after Castlereagh's death, Canning allowed the ministry to know the terms on which he would return to office. He must be allowed 'to fill Londonderry's place both in office and the House'.<sup>2</sup> It was not certain that Peel would agree to be the subordinate of Canning in the house of commons, or that the king, who had opposed Canning's return to office in 1821, would be more complaisant now. The political future of Canning hung in the balance until 8 September. In the meantime he and Brougham did not neglect to explore the possibilities of the situation. They were brought together at a dinner-party on the shores of Windermere (20 August) by the good offices of Colonel Bolton, a close friend of Canning, an acquaintance of Brougham. The meeting caused much gossip, though Brougham carefully represented it as accidental and insignificant.<sup>3</sup> Canning's object seems to be accurately divined by Sir Walter Scott:

This gives rise to strange conjectures, and though I think no man's general principles sounder than Canning's, yet in his movements I could never entirely acquit him of something like finesse . . . If this meeting with Brougham was meant to intimate a hint of a possible coalition just in order to quicken movements elsewhere, it was in singularly bad taste.<sup>4</sup>

That Brougham attached more importance to the interview may be inferred from the extreme irritation with which he refers to Canning when the termination of the crisis was announced:

His coin is now about cried down—at least hardly current. He is stamped as a joker and therefore dare not joke: not to mention that hard figures of arithmetick are too hard to be got over by figures of rhetoric. All these things, and his gout and irritability, I try to console myself withal, but still I own I am somewhat low.<sup>5</sup>

<sup>1</sup> Croker, i. 210.

<sup>2</sup> *Memoirs*, ii. 440.

<sup>3</sup> Creevey, 392.

<sup>4</sup> *Ibid.* i. 228.

<sup>5</sup> *Familiar Letters*, ii. 150.

One result of the crisis and of the Windermere dinner was that Lord Grey, for the second time in two years, went to work to make a list of the next whig cabinet. His ideas are revealed in a correspondence which Brougham reproduces.<sup>1</sup> The letters show Grey's anxiety to make sure of Brougham as a law-officer, and the terms which he offered were probably better than those rejected by Brougham in 1820. Brougham was to be the *de facto* leader in the house of commons, though it might be necessary to designate some one else as the titular leader. So far as office was concerned, he must be prepared to follow in the footsteps of such eminent lawyers as Mansfield, Thurlow, and Wedderburn, each of whom had served an apprenticeship as solicitor-general before passing on to the higher positions of lord chancellor or lord chief justice. Brougham objected, as before, and again protested his desire to remain in private practice at the bar and to serve his party as a private member. Probably he had in mind the mastership of the rolls as the most suitable reward for his services; this was what he demanded in 1830; it was an office which could be held for life and did not disqualify the holder from sitting in the house of commons. His attitude caused some consternation in Lord Grey's circle, even after Canning's appointment was announced. The court intrigue was still on foot, and was expected to yield good results in the near future. In December Mr. Creevey was the amused and irreverent spectator of a solemn negotiation between Mr. Lambton (representing Lord Grey) and Lord Sefton (a bosom friend of Brougham) at Sefton's country house. Creevey writes, when all is over (12 December):

The truth is that all the Whigs are either fools or rogues enough to believe that our Monarch is really very fond of them and that (according to the angry Boy [i. e. Mr. Lambton] who left us yesterday) if we, the Whigs, could but arrange our matters among ourselves, the Sovereign would be happy to send for us. This is all he is waiting for; and, with reference to it, Lambton told Sefton *in the strictest confidence*, that it is of vital importance to obtain Brougham's consent to Scarlett being Chancellor, and for Brougham to take the office of Attorney-General. . . . Is it not perfectly incredible? Lambton was in constant communication with Grey, whilst here, and (very judiciously!) shewed Sefton some of his despatches on the subject.<sup>2</sup>

Without attaching too much importance to this incident we may infer that efforts were on foot to bind Brougham to the party by terms slightly better than Grey had offered in September, and that hopes were still based on Lady Conyngham's support. This support was not as firmly assured as Mr. Lambton supposed. Within a few months Lady Conyngham had become the political

<sup>1</sup> *Memoirs*, ii. 444.

<sup>2</sup> Creevey, 398-9.

ally of Canning. How Canning secured this victory was a matter for much speculation. But Lord Eldon, who was in a position to watch the Conyngham faction at close quarters, writes in 1821: 'The appointment of Lord Francis Conyngham to a place in the Foreign Office has, by female influence, put Canning beyond the reach of anything to affect him, and will assuredly enable him to turn out those whom he does not wish to remain in.'<sup>1</sup>

After this appointment (January 1823) it was evident that Canning and not Lady Conyngham was the key of the position. Grey could not be induced to take account of this fact in managing the parliamentary campaign. He showed himself, in 1823, as unsparing as ever in his attacks upon his rival. Brougham was inclined to be less squeamish. At the end of February Sir Robert Wilson, his most loyal follower, was 'congratulating the house and the country' on the new direction which Canning had given to our foreign policy. Brougham found other opportunities of holding out the hand of fellowship. In March that shrewd young lady, Miss Maria Copley (afterwards Lady Howick), writes to Mr. Creevey:

A still more difficult riddle for me to solve is your friend Mr. Brougham. Why does he make such love to Canning? Why is he in none of your divisions? Why is he in astonishment at the small demand of Ministers? Is it catalepsy? All your good humour and civility make the debates very flat.<sup>2</sup>

Brougham's attitude was not simply that of a political adventurer. He assumed, at the beginning of this session, that Canning would sooner or later need whig support for a measure of catholic relief; and this, in his view, would be the opportunity for a defensible and useful coalition. His hopes were rudely shaken when Canning went out of his way to announce in a debate (14 April) that 'he thought it hopeless in the then state of the country and the Parliament to *form an Administration* which should agree on Emancipation, and upon all other general measures, so as to be able to carry on the general business of the nation'. Tierney, the nominal leader of the whigs, contented himself with the statement that it was not impossible to form such an administration. But Brougham attacked Canning's personal honour with a heat which betrays his disappointment. Canning, he said, 'had exhibited a specimen, the most incredible specimen of monstrous truckling, for the purpose of obtaining office, that the whole history of political tergiversation could furnish'. Of the angry scene which followed, Brougham speaks in his *Memoirs* as though it made no difference to his relations with Canning. But it is evident that for the rest of the session

<sup>1</sup> Twiss, *Life of Eldon*, ii. 484.

<sup>2</sup> Creevey, 407.

the two were at daggers drawn ; for after 14 April Brougham lost no opportunity of denouncing the foreign policy of the government.

In March 1825, however, when the government was beginning to feel the pressure of the catholic agitation in Ireland, Canning made the *amende honorable* by associating himself with Burdett's Relief Bill. This measure, drafted by a committee which included Canning, Burdett, and Tierney, was carried in the house of commons by the union of the whigs with the Canningites and radicals, and passed the third reading on 10 May by eleven votes. This result hardly proved the possibility of forming such a coalition as Brougham desired. But on the eve of the division O'Connell told the attorney-general for Ireland (Mayo) that 'the entire body of the Opposition would readily join Mr. Canning, the Grenvilles, and Lord Liverpool to the exclusion of Peel, Lord Eldon, and their followers'.<sup>1</sup> Even after the division Brougham was still sanguine. On 12 August he wrote to sound Lord Grey about a coalition, on the transparent pretext of discussing a rumour which he must have known to be false. But, as Grey was obdurate, the discussion languished.<sup>2</sup> Towards the end of 1825 Brougham wrote again to Grey, expressing a hope that the catholics would not embarrass 'the ministry' by pressing their claims in the autumn session, and suggested that the whigs should advise the catholics in that sense : 'most of our friends in the House of Commons are clear for that course.' Again he found Grey obdurate :

If I were an Irish Catholic, wrote Grey, I should consider myself as in a state of war with the English Government, and think only of the means of reducing to submission an enemy whom I could never hope to gain by conciliation. But this is advice I should be very sorry to give the Irish Catholics ; and as I could honestly give no other with a view to *their* interests, I should certainly remain silent.<sup>3</sup>

The relations of Brougham and his personal followers with Grey were still friendly ; but the events of parliamentary politics in the years 1823-6 show that the whig party was slowly crystallizing in two groups, the one opposed to any compromise with any school of tories, and resolved to take their stand on parliamentary reform whenever they came into power, the other, led by Brougham, convinced that the whigs could never destroy the Liverpool ascendancy without making terms with some of Liverpool's followers, and preferring to unite with Canning over the question of catholic relief.

At some time in the winter of 1824-5 Lord Grey appears to

<sup>1</sup> Parker, *Peel*, i. 375.

<sup>2</sup> Brougham, *Memoirs*, ii. 469.

<sup>3</sup> *Id.* ii. 473-5.

have resigned the leadership of the whig party in favour of Lord Lansdowne. He did so in a formal letter, and he also announced his resolution by letter and in conversation to a number of his whig friends.<sup>1</sup> His interest in politics seemed to be diminishing, and he corresponded so little with his friends that Sir Robert Wilson wrote to him on 19 September 1826: 'We feel you have sent us all to Coventry. Ellice says he hears of you from every one except yourself.'<sup>2</sup> The great whig peers still looked to Grey as their natural leader, and in the house of commons his views were faithfully represented by Althorp, Lord John Russell, and some old-fashioned party men of the Creevey type. But Lord Lansdowne was much under the influence of Brougham, and the majority of the whigs were tired of wandering in the wilderness of opposition.

## IV

It was the fixed belief of the duke of Wellington that Canning opened negotiations with the whigs before Lord Liverpool's illness. The story, as Wellington told it, was circumstantial. 'The person who went between them was Sir Robert Wilson, deputed by Brougham and those who afterwards joined Canning. Sir Robert spoke to Huskisson and he to Canning.'<sup>3</sup> On matters of fact the duke was singularly accurate; and it is probable, as he stated, that whig overtures were made, in the manner described, before 17 February 1827. But from the letter which we quote below it seems clear that Canning, whatever hopes he held out, did not form any compact with the whigs until the king had actually sent for him (22 March), with a view to offering him the premiership.

*H. Brougham to Sir R. Wilson.*<sup>4</sup>

Lanc[aster]

Sunday [March 18, 1827]

My dear W.:—I have as yet heard nothing from you. Is it possible Canning can dream of safety for six weeks, if he thinks of taking office with the ultras and no arrangement? Or is it possible he can doubt of our entire and cordial support if he holds out? For my own part I will only say that I am prepared to back him in whatever way he himself would deem most effectual. It is our duty, and we should all be found at our posts. But so should we if he were to give in and throw his good principles over.<sup>5</sup> . . .

Sir Robert Wilson communicated the substance of this offer to Lord Erskine, who on 24 March asked for the autograph to show to

<sup>1</sup> Sir R. Wilson, *Narrative of the Formation of Canning's Administration* (1872), p. 19.

<sup>2</sup> Brit. Mus. Add. MS. 30124, fo. 228.

<sup>3</sup> Greville, 31 July 1831.

<sup>4</sup> Brit. Mus. Add. MS. 30115, fo. 36.

<sup>5</sup> The second paragraph is a message to General Bolivar, to whom one of Wilson's sons was aide-de-camp.

Canning. Wilson explained that he had sent the letter to his son, but promised to produce Brougham's written confirmation of its contents in a few days. In the meanwhile Erskine asked, on Canning's behalf, whether time would be given to Canning for overcoming the king's objections to the measures desired by Lord Lansdowne and Brougham; also whether individual leaders of the whigs would accept places in Canning's ministry, or whether they would insist upon being treated as an inseparable phalanx. These questions were put both to Wilson and to Lord Lansdowne.

It is obvious that there had been some *pourparlers* before Brougham wrote the letter of 18 March and that Lord Lansdowne, equally with Brougham, had been a party to them. But the *pourparlers* cannot have gone very far since on 24 March the two fundamental questions put by Erskine had still to be discussed.

Brougham's second letter was written from York on 26 March. In spite of the political crisis he had refused to throw up his briefs either at Lancaster or at York, and he writes like a man who is too busy to express himself with any precision. The letter has been printed<sup>1</sup> and need not be reproduced here *in extenso*. Some of its admissions are unguarded. Canning must not make too much of the antipathy which some whigs cherish against Peel: 'in truth the Catholic question (on which Peel has always been a fair adversary) is the only point of very great difference.' There have been differences of opinion on the corn law—'corn prejudices among our friends'. These are immaterial; 'they must soon be dispersed.' Brougham was in fact prepared to make light of all specific differences of opinion in order to bring about 'a right system of Government on liberal and moderate principles'. This avowal caused great embarrassment to his nominal chief, Lord Lansdowne, who reproached Brougham subsequently in the following terms (6 September 1827):

In the first negotiation with Canning, in attempting to obtain some security, not for personal objects of my own, but for the public, as far as Ireland was concerned, I was met by the statement, pretty well founded, that my Whig friends in St. James' Street were ready to join Government on any terms.<sup>2</sup>

The story of the negotiations to which Lansdowne refers is fully given in Stapleton's *Political Life of Canning* and in the *Creevey Papers*. Up to 19 April Lansdowne fought hard for terms which would provide the coalition with some slight basis of principle. He wished to obtain guarantees for the granting of catholic relief at the first opportunity; and wished this all the more earnestly because he had been obliged to renounce parliamentary reform

<sup>1</sup> Stapleton, *Some Official Correspondence of George Canning*, i. 300.

<sup>2</sup> Brougham, *Memoirs*, ii. 489.

and the repeal of the Test and Corporation Acts. When guarantees were refused he broke off the negotiations, and withdrew to Bowood. But on 21 April Brougham, Wilson, and Spring-Rice mutinied. On their own responsibility they reopened the negotiations with Canning and came to an arrangement in which nothing seems to have been settled, except the list of whigs who were to have office and the dates at which those offices should be received. In this arrangement Lord Lansdowne weakly concurred. 'I am sure', wrote the duke of Bedford, 'he [Lansdowne] has acted from motives of the highest honour, but I do very sincerely pity him. . . . He has been the victim and dupe of the two greatest rogues (politically speaking) in the kingdom. . . . I consider the hope of carrying the Catholic question as now at an end.'<sup>1</sup>

Brougham derived no personal advantage from the coalition. In his letter of 26 March to Wilson he had emphasized his reluctance to take office.

I know there are very unworthy *womanish* prejudices in certain quarters, and I don't wish to thwart them. But moreover I am far better pleased to be out of office. I have (I know full well) a very considerable influence in the country which would be injured by taking place, and I like to use it for purposes which your men in office rather laugh at than assist.

He was not surprised to find that the king did in fact object most strongly to his being included in the Canning ministry. But he was deeply mortified to find that Canning made no heroic efforts to overcome the prejudice in the royal mind. 'Brougham', writes Wilson,<sup>2</sup> 'kept us all in a continual fever and alarm. His *disinterested professions* were confined to words. He was not indeed actuated by sordid motives, but his vanity could not brook exclusion.' At last, in July, Canning offered him the post of chief baron of the exchequer; but this offer was at once refused. By accepting it Brougham would have been excluded from the house of commons and from any further share in political life. But, with his usual obtuseness, he could not refrain from boasting of the disinterested spirit which he had shown in rejecting such a prize.

His hopes revived as soon as he heard of Canning's death (8 August). He himself has printed the egregious letter (13 August) in which he attempted to reconcile himself with the justly offended Grey. It begins: 'Much as on all other accounts I regret Canning's death, it is impossible for me to avoid reflecting that it removes the principal obstacle to supporting the Government. At least this is the impression left on my mind by the very disagreeable events of last session.'<sup>3</sup>

<sup>1</sup> Walpole, *Life of Lord John Russell*, i. 135.

<sup>2</sup> *Narrative*, p. 26.

<sup>3</sup> *Memoirs*, ii. 485.

He seriously hoped that Grey would now consent to join the government. This was part of the programme which he had already outlined (11 August) for his obedient henchman, Sir Robert Wilson :

Canning's death a severe blow, but nothing in reality to alarm us. In the Commons we can well spare him, having still 10 to 1, Peel never yet having been fairly tried, except when I licked (?) him in 1819 and 1825. In the Lords—our weak place—Canning did us harm and no good. Perhaps so in the country.

If I hear of our chicken-hearted friends going about and magnifying things and doubting our being able to do, &c., &c., I swear I no longer belong to them. If they are men and stick together and act and speak as becomes men, I will serve again as a pioneer, a common man, under Huskisson or any one they choose. I prefer as before being out of office. The King has no earthly reason for being trodden upon by Londonderry & Co. now more than before. Give W[ellington] the army and join Lord Grey, if you can; if not, defy them and all Malignants. I shall feel much less awkward in serving under Huskisson or S[turges] Bourne than C[anning].<sup>1</sup>

As an after-thought Brougham wrote again to Wilson (12 August), explaining the policy which he thought that the coalition whigs should adopt. They must aim at 'a united government on the great Irish question' of which he had made so light in March. Evidently it had at last occurred to him that a coalition without a principle was not likely to be popular. Should it be impossible to make such a government,

we owe it not more to the country than to ourselves, on views of principle as well as of honour, without a day's delay to form a powerful and vigorous opposition as a party acting together. We shall have no connexion with either Hume & Co. or the Benthamites. We shall, however, be sure to have their votes nine times in ten. But we shall pursue our own course and act with firmness and union against the wretched policy of a divided government. I care not whether we muster 80 or 180—indeed I had as lief be the lesser as the larger number. I know the country will be with us, and I believe many of the Tories will join us when it may be required. No man can say we have been too hasty in forming this resolution after all our liberal and disinterested conduct while we hoped others had right principles.<sup>2</sup>

Brougham of course was disappointed in the expectation that he would be able to decide the future conduct of the coalition whigs. His overtures were declined with acid civility by Lord Grey<sup>3</sup> and with sarcasm by Lord Rosslyn.<sup>4</sup> From a distance he endeavoured to influence the reconstruction of the cabinet, but with such double-dealing that he at length incurred a reproof from the long-suffering Lord Lansdowne, who wrote on 9 September, with

<sup>1</sup> Brit. Mus. Add. MS. 30115, fo. 118.

<sup>2</sup> *Memoirs* ii. 486.

<sup>3</sup> *Ibid.* fo. 120.

<sup>4</sup> *Ibid.* 491.

reference to the appointment of Herries as chancellor of the exchequer :

I think it right you should know that in the last discussions respecting an appointment which I had *first* been led to consider as *most objectionable* by a statement of yours which had been communicated to me, I was met by the observation I could not well deny that *you* were well known to be ready to acquiesce in it.<sup>1</sup>

Whatever Brougham may have said or written about Herries before the appointment was made, he was profoundly disgusted to find it an accomplished fact. 'I fear such appointments as that violent ultra and concealed Malignant Herris (*sic*) augur no great good to the Government.' In the same letter (undated, but probably written early in September) he reveals to his correspondent, Sir Robert Wilson, a still more serious cause of discontent :

You will hardly believe that even at this moment, when there is hardly anybody but myself left to take the labour of the fight in the House of Commons, the King's objections to me are said to be as strong as ever. Whether the Government ought not to have put all these down with a strong hand is another question. I own I am glad no such attempt was made ; for had it led to a rupture with the King or the bringing in of the Malignants, I should have been in despair. I need not say that I mean to fight for them as hard as ever, and as formerly I shall have all the magnanimity to myself. But your case is different. You ought not to commit yourself.<sup>2</sup>

Of roughly the same date is the very curious letter which Brougham wrote (4 September) to Spring-Rice, one of his fellow workers in April, and now Lord Lansdowne's under-secretary at the Home Office. Though this has been already printed, it is so characteristic in its elaborate irony, and in the furtive threat with which it ends, that we reproduce it here :

What an excellent, honourable and useful end all this has had. I am sure Lord Lansdowne does far more good to his principles and party by giving way, when the matter is so pressed and on such grounds, than by gaining a victory dangerous to the victor, and galling to, and never to be forgotten by the vanquished. Nothing can be better, and I look forward now to amity and courtesy and, I hope, kindness prevailing with the King and our friends. They should not be outrageously proud and dignified, but think how much good on momentous questions they may do by gratifying the King and his friends in trifles. All other modes seem resorted to of furthering great objects, this alone we neglect. I shall have some half dozen reforms in our law and policy well matured, for I must avail myself of the influence my singular position gives me in the House to do permanent good ; viz. all the weight of being out of place (both weight with King and country) and the favour of the old Tory opposition who, I do not think, will attack me rashly.<sup>3</sup>

<sup>1</sup> *Memoirs*, ii. 489.

<sup>2</sup> Add. MS. 30115, fo. 82.

<sup>3</sup> Torrens, *Melbourne*, i. 235.

Obviously the sharp rebuke which Lansdowne wrote to Brougham on 9 September, and which we have already quoted, was provoked by this effusion. But the coalition whigs could not afford to leave to Peel the undisputed pre-eminence in the house of commons; and as the session of 1828 drew nearer, various attempts were made to extort the king's consent to some appointment (probably that of attorney-general) being offered to Brougham.<sup>1</sup> Brougham was egging on the whig ministers to make a cabinet revolution; and he was renewing his overtures to Grey and Rosslyn. On 13 December Grey writes from Howick to Mr. Creevey:

As to Brougham—I believe him to be mad, but I have lately seen, under his own hand, things that would surprise even you . . . that there is a complaint of the King's constitutional interference with the patronage of the Ministers. *If* this should be proved to be so (the *if* is good) nobody would be more for resisting it than himself; and, *if requisite*, he should be glad to see a union of the respectable men of all parties, headed by Lord Grey, for that purpose.<sup>2</sup>

These manœuvres were rudely interrupted at the beginning of 1828 by the resignation of Goderich, the appointment of Wellington as his successor, and the absorption of the principal Canningites in a tory ministry. Thenceforward Brougham's object was to make himself the leader of the coalition whigs in the house of commons. His pretensions do not appear to have been well received by the party; for Creevey notes that an official dinner which he gave to his principal supporters on 23 February 1828 was attended only by Lord Durham, Lord Sefton, the duke of Leinster, Lord Stuart, the old earl of Essex, and four Scottish barristers.<sup>3</sup> Still, the following letter (to Sir Robert Wilson) shows that he took his self-awarded position seriously. The last sentence of the extract probably refers to the speeches which Lord Goderich and Lord Plunkett made in support of the Catholic Emancipation Bill, on the second reading in the house of lords (2 April 1829):

York, Sunday [undated]

My doctrine is this, and as long as I am a leader of the opposition I shall above everything else pursue it. I expect the party to be treated with proper respect and gratitude. I shall never fail to resent what lowers it. We have been going on too long doing all for others and letting those we did all for treat us like a worn-out garment, laying us aside and even disowning us when we no longer served their turn. The consequence is that we are very useful and are extremely despised. The enemy, whom we have driven into all the good they do, get all the credit of our measures and O'Connel (*sic*) and such like fall a-kissing their worst enemies and forgetting us the moment after we have been fighting their battles. This

<sup>1</sup> Croker, i. 392, 397; *Wellington Corresp.* (2nd series), iv. 168.

<sup>2</sup> Creevey, 482.

<sup>3</sup> *Ibid.* 496.

must no longer be. I hold the honour of the party as the very highest consideration that I know. I detest Tierney's doctrine of self-distrust and stultification. *L'on ne vaut jamais que ce qu'on veut valoir.* We have taken a low tone so long ourselves that all others—friends and foes—treat us as we treat ourselves. Henceforth I warn you a new line must be taken. The party—as such and by name—must be made respected or it must cease to exist. I regard this as the first object, and as comprehending all others. I therefore shall have, and that soon and amply, from my friend O'Connell a satisfactory explanation of his treatment of us. But in the meantime pray let Torrens be told to give him some friendly but strong advice on the folly of his flattering Plunkett and again Robinson . . .<sup>1</sup>

The revival of the old whig party in the spring of 1830, under Althorp's leadership, was the death-blow to Brougham's pretensions to lead the whole party. He entertained some hopes of repairing his fortunes by a coalition with Huskisson, a scheme in which he was warmly supported by Lord Durham. In August 1830 Brougham was so confident of making this coalition that he represented himself to Lord Rosslyn as 'the declared head of a combined Opposition'.<sup>2</sup> But at that time he had only just begun, if indeed he had begun, his negotiations with the Canningites. Brougham had laid his plans to meet Huskisson at Liverpool on 15 September, the very day of Huskisson's fatal accident. Whether Huskisson would have come to terms with an ally so indiscreet is doubtful. Melbourne, to whom also overtures had been made, returned a non-committal reply some days later, and was disinclined to resume the discussion before the autumn session.<sup>3</sup> The truth was that Melbourne and Palmerston had made up their minds to a coalition with Lord Grey and Lord Lansdowne.<sup>4</sup> To them, and to the political world in general, Brougham was nothing more important than a whig of uncertain fidelity, who was no longer the head of a group, and would most probably be back again in the following of Grey, whenever the whigs had an opportunity of returning to office. To negotiate with such a man, either as a principal or as an envoy, would have been mere folly.

H. W. C. DAVIS.

<sup>1</sup> Brit. Mus. Add. MS. 30115, fo. 100.

<sup>2</sup> *Ibid.* iii. 66.

<sup>3</sup> *Memoirs*, iii. 55.

<sup>4</sup> Ashley, *Palmerston*, i. 211.

## *Notes and Documents*

### *The Redemption of the Five Boroughs*

THE late Mr. Murray Beaven, in his illuminating article on 'King Edmund I and the Danes at York',<sup>1</sup> rightly spoke of the period 939-46 as one of the obscurest in our national records. There is no doubt that the obscurity has been deepened by a failure to understand the true import of the famous poem on the redemption of the Five Boroughs in 942. The text of the poem as found in the Parker manuscript, with the original punctuation,<sup>2</sup> is as follows :

Her Ead mund cyning   Engla peoden  
 maga mundbora   Myrce ge eode  
 dyre dæd fruma   swa Dor scadeþ  
 Hwitan wylles geat.   ȝ Humbra ēa  
 brada brim stream   burga fife  
 Ligora ceaster   ȝ Lindcylene  
 ȝ Snotingaham   swylce Stanford eác  
 Deora by   Dæne wæran ær  
 under Norðmannum   nyde gebegde  
 on hæpenra   hæfte clommum  
 lange þraga   oþ hie alysde eft  
 for his weorþ scipe   wiggendra hleo  
 afera Eadwardes   Eadmund cyning

This may be rendered :

In this year King Edmund, prince of the English, protector of kinsfolk, beloved doer of deeds, overran Mercia as bounded by Dore, Whitwell Gate and the river Humber, broad ocean stream, the five boroughs, Leicester and Lincoln and Nottingham, likewise Stamford also and<sup>3</sup> Derby. The Danes were before this subject for a long time by force under the Norsemen, in bonds of captivity under the heathen until, through his valour, the protector of warriors, the son of Edward, King Edmund, redeemed them again.

In this rendering of the text the only possible points of dispute would seem to be the following :

(i) Should we take 'burga fife . . . Deora by' as parallel to

<sup>1</sup> *Ante*, xxxiii. 1-9.

<sup>2</sup> Taken from Earle and Plummer's ed., p. 110. For the punctuation see *ibid.* preface, p. ix.

<sup>3</sup> The ȝ before *Deora by* has been omitted by an obvious mistake.

Mercia and its boundaries or to 'Dene'? It is impossible to give a definite answer to this question, but the first parallelism seems slightly more natural than the second.

(ii) The translation of *Norðmenn* as 'Norsemen' or, even less ambiguously, as 'Norwegians'. This, however, is the only translation for which Anglo-Saxon usage really gives warrant. The cardinal authority in this matter is Alfred's in his *Voyages of Ohthere*. The latter came from Norway and Alfred throughout his narrative makes him speak of his people as *Norðmenn* and talk of the *Dene* or Danes as of a distinct people. The same distinction is made, as one might have expected, with one most doubtful exception, in the *Chronicle*. The term *Norðmenn* is used three times in the *Chronicle*, apart from the present passage. It is used in the famous passage about the first coming of the Vikings, where all the manuscripts except the Parker speak of 'scipu *Norðmanna*'<sup>1</sup> and D, E, and F add the information that they came from *Hereðaland*, a district which is undoubtedly to be identified with Hørðaland in Norway. The Parker manuscript calls them 'scipu *Deniscra monna*', but this will not stand against the unanimous evidence of the other manuscripts and the explicit statement of D, E, and F. The scribe of the Parker manuscript (or some predecessor of his), more familiar with Danish than with Norse invaders, must have changed to the more common name. It is next used in 924 in the story of the great submission to Edward the Elder, when *Denisce* and *Norðmenn* are mentioned as distinct peoples. This statement is, as will be shown later, in exact accord with the known facts with regard to the presence at this time of both Norsemen and Danes in Northumbria. Lastly it is used in the poem on the battle of Brunanburh, and again quite correctly. Anlaf is made a prince of the *Norðmenn* and the ships of the *Norðmenn* flee to Dublin. This Anlaf was Anlaf Godfreyson, a Norse king from Dublin.<sup>2</sup>

Such then would seem to be the correct rendering of the Parker text. Is there any reason to believe that it is incorrect as a text? There is only one passage in which there is a serious difference between the four texts of the poem. It is in the eighth line, where manuscript B has *Denum* (dat. pl.), while all the others have the reading given above. The weight of manuscript evidence is then, even on the face of things, against the reading of B, and that conclusion is only confirmed by further consideration of the matter. B like A is almost contemporary, and C and D are both of the eleventh century, but Mr. Plummer has shown that B and C derive from a common source<sup>3</sup> and this at once

<sup>1</sup> s. a. 787.

<sup>2</sup> *The Annals of Ulster* (s. a. 936) speak of this as a battle between Saxons and Norsemen.

<sup>3</sup> Introduction, § 87.

halves the value of the little bit of evidence for *Denum*. Further, the scribe of B gives himself away by making exactly the same mistake of anticipating a dative suffix in the tenth line, where he writes *hæðenum* for *hæpenra*. Here no one wishes to defend his error, and one is fully justified in correcting his reading both in this line and in the more disputable *Denum* in the eighth line.<sup>1</sup>

Having established our text and its translation, the next thing is to see if they fit the known historical facts. Let us review them as summarily as we may. The men of the Five Boroughs submitted to Edward the Elder in 924. They remained under English rule until at least 934, when, if we may trust the date of a rather doubtful charter,<sup>2</sup> a Witenagemot was held by Æthelstan at Nottingham. In the meantime a disturbing element had made itself felt further north. A certain King Regnold (O.N. *Rögnvaldr*) had conquered York.<sup>3</sup> He was the son of one *Gupferð*, or Godfrey, the father of Anlaf Godfreyson.<sup>4</sup> This *Gupferð* was a member of the Norse family ruling in Dublin at the time.<sup>5</sup> It is clear, therefore, that a Norse prince, accompanied presumably by Norse followers, had now gained a footing in Northumbria. He with his Norse and Danish subjects made submission to King Edward, probably some four years before the latter's death, but the trouble in Northumbria continued, only to be patched up in 925 by the marriage of Æthelstan's sister to one Sihtric, king of Northumbria. This Sihtric was of the same family as Regnold.<sup>6</sup> He had left Dublin in 920,<sup>7</sup> captured Davenport in Cheshire,<sup>8</sup> and presumably arranged to share the kingship of Northumbria with his relative Regnold. He died in 926,<sup>9</sup> and the *Annals of Ulster* describe him as 'king of the black and white foreigners',<sup>10</sup> i.e. Danes and Norsemen. No sooner did Sihtric die than we find Æthelstan expelling King *Gupferð*, who had come over from Ireland to seize the vacant kingship.<sup>11</sup>

<sup>1</sup> It may also be added that *Denum* yields very doubtful syntax. The dative without a preposition is only very rarely used in the passive construction, and then only in prose, and chiefly in passages translated from the Latin. See Sweet, *Anglo-Saxon Reader*, Introduction, § 341, and Wülfing, *Syntax in den Werken Alfreds*, pp. 140-1. Stress also has been laid on the Anglo-Saxon poetic parallelism which we get when we read *Denum*. Such parallelism, however, of an instrumental dative to a dative governed by a preposition is without parallel in Old English. Syntax and poetic usage alike then forbid our attempting to accept the B-text and render it as 'The Five Boroughs were before held down by the Danes by force, under the Northmen'.

<sup>2</sup> See Stevenson's note in Farrer, *Early Yorkshire Charters*, i. 1-5.

<sup>3</sup> s. a. 9231 D, E, but the chronology of D and E is very doubtful at this point.

<sup>4</sup> 944 A.

<sup>5</sup> The *Annals of Ulster* (s. a. 933) call him 'king of the Norsemen'.

<sup>6</sup> Sihtric was a grandson of Imhar (*ibid.* 926) and so was Gothfrith (*ibid.* 933).

<sup>7</sup> *Ibid.* 919.

<sup>8</sup> Simeon of Durham, *Hist. Regum*, s. a. 920.

<sup>9</sup> 926 D.

<sup>10</sup> s. a. 926.

<sup>11</sup> *Ibid.* 'Gothfrith retired from Atheliath but returned again in six months', i.e. after his expulsion by Æthelstan.

We hear nothing further of these Irish-Norse disturbers of the peace until 937, though it may well be that Æthelstan's Scottish expedition of 934 was not unconcerned with them. In 937 they were in alliance with the Scots and were defeated at Brunanburh. Anlaf Godfreyson was now their leader and was presumably trying once more to get a hold in Northumbria. On the death of Æthelstan he returned at once to York and was welcomed by the Northumbrians.<sup>1</sup> He seems to have gone south immediately afterwards, and, marching right through the Danelaw, he besieged Northampton. That he should not have to lay siege to any of the more northerly boroughs makes it clear that they were already in the hands of his own people or at least so much terrorized as to offer no opposition to his advance. The siege of Northampton was a failure, but he was sufficiently certain of the position in his rear to go on to Tamworth, destroy that town, and, after a general devastation, return to Leicester, where he was met by Edmund and his army. So strong, however, was Anlaf's hold upon the Danelaw that the king could do nothing but come to an agreement whereby Mercia north of Watling Street, i.e. the southern Danelaw as well as Northumbria, remained in the hands of a Norse king who ruled them from York. Two years later Anlaf Godfreyson died, and was succeeded by Anlaf Sihtricsson, the son of the Sihtric named above and therefore just as much a Norseman as his predecessor. Edmund, however, took advantage of the change of kings, overran Mercia and rescued the Five Boroughs from the domination of the *Norðmenn*, from heathen captivity, his victory being sealed by the baptism of Anlaf and the confirmation of Rægnald, who had, probably for political purposes, allowed himself to be 'primesigned' at some earlier date.<sup>2</sup>

The whole of the preceding narrative makes it clear that the poem only fits the facts of the case if we render *Norðmenn* as 'Norsemen' and take it to refer to the Norse kings of Northumbria,<sup>3</sup> who had held more or less continuous domination

<sup>1</sup> 941 D (really 939).

<sup>2</sup> This reconstruction owes much to the paper by Mr. Beaven mentioned at the outset. The main object of that paper was, however, to unravel the tangled chronology of Edmund's reign. Concentrating upon that, its author overlooked the true significance of certain of the events which he so skilfully arranged in their right order, and, in particular, failed to see the true position as between the *Norðmenn* and the Danelaw. One or two phrases are actually misleading. On p. 2, in direct contradiction of the Brunanburh poem, he speaks of 'Irish Danes' as taking part in the battle, and on p. 3 he similarly speaks of Anlaf as a Danish king. Now Dublin was primarily a Norse colony, and though by this time it admittedly included a large number of Danes, all the greater Irish annalists speak of its kings as kings of the Norsemen or of the white and black foreigners together, and it is only the latest, the scantiest, and least authoritative of them, viz. the *Annals of Clonmacnoise*, which twice call them 'kings of the Danes' (s. a. 934 and 937).

<sup>3</sup> The main basis of the Scandinavian population here was Danish, going back

there during the last twenty years, and who had, at least for the last two years, held the southern Danelaw in submission as well. How long previous to that they may have terrorized the Five Boroughs we do not know. That could only be settled if we knew a little more about the events of Æthelstan's reign, and could, in particular, settle the crux of the site of Brunanburh.<sup>1</sup> We may note, further, that the term 'heathen' could at this time only be applied with any measure of truth to the Norsemen. Their kings were still pagan. They ravaged monasteries in Ireland. Anlaf himself died immediately after plundering the monastery at Tynningham, and in the same year the men of York ravaged Lindisfarne.<sup>2</sup> No one would suggest that the Danes of the Five Boroughs were capable of this kind of thing at this date. It is probable, indeed, that since the beginning of the tenth century they had become more or less definitely Christian. Odo, the archbishop of York, was himself a Dane, and when he intervened in the peace discussions of 939 we may be certain that he knew he had the support of a christianized Danish population.

This 'heathen' domination of the Five Boroughs by Norsemen is said, however, to have endured *lange frage*, i.e. (literally) 'a long time'. Does this constitute a difficulty? We have definite evidence only for a two years' domination, though there are possibilities of its going back at most to 934. Taking the term at its face value there might be a difficulty in applying it to a period of two or even of seven years, but there would be a precisely similar difficulty in applying it to Danish domination of the Five Boroughs, as the alternative reading and interpretation would require. If Edward the Elder's reduction of the Five Boroughs meant anything at all it meant that English and Danes could live in them at least on equal terms, and so long as that lasted the phrase 'were subject to the Danes by force' could not be applied to them. The time at which that phrase could first have been applied to them is exactly the same as that at which the alternative 'the Danes were subject to the Norsemen by force' could first have been used, viz. 939, or possibly some other date between 934 and 939, and we are in the same difficulty as before.

to the capture of York in 867, but its present rulers were Norse and they presumably had with them a goodly number of followers of their own nationality. They were in close touch with Norway, as we may see in *Heimskringla* and *Egilsaga*.

<sup>1</sup> In spite of all that has been said in favour of Birrenswark it is difficult to get over the statement in the Chronicle poem that after the battle King Constantine came north to his own land or of the impression that one gets from the poem in William of Malmesbury that the fight took place after the Vikings had penetrated a long way south (ed. Stubbs, i. 145-6).

<sup>2</sup> Simeon of Durham, s. a. 941.

The truth of the matter is, however, that *lange þrage* is a meaningless *cliché*. It is only found in poetry, and in every case except one its meaning is quite indeterminate.<sup>1</sup> The one case in which we can measure the time at all definitely is in the case of its use in *Beowulf*, l. 1257. We are told that 'an avenger (i.e. Grendel's mother) still lived after the monster (i.e. Grendel), a "long time" after the troublous care (i.e. the care which had arisen in Heorot from Grendel's raids)'. Now it is clear from the poem itself that Grendel's mother came to take vengeance just twenty-four hours after her son's death. As Professor Chambers notes in his edition,<sup>2</sup> the higher critics, troubled by *lange þrage* as applied to twenty-four hours, have used it as an argument in favour of patchwork authorship. The real truth is that from the temporal point of view the phrase is entirely meaningless, and our last difficulty in accepting the view that the redemption was one of Danish boroughs from Norse domination is removed.

Have we, apart from the records already discussed, any other evidence of Norse as distinct from Danish settlement in the Danelaw? There are two quite definite pieces of evidence which can be adduced in support of this view. The first is from place-names, the second is archaeological.

In the Danelaw Normanton and Normanby are fairly common as place-names. There are at least two Normantons in Yorkshire, three in Derbyshire, two in Leicestershire, one in Lincolnshire, five in Nottinghamshire, and one in Rutland. There are three Normanbys in the North Riding and four in Lincolnshire. The old forms show that these are 'bys' and 'tuns' of the *Norðmenn* (in most cases) or of a man named *Norðman*. There are no such Normanbys or Normantons in Cumberland, Westmorland, or Lancashire. That is, there are a good many places named after the *Norðmenn* in districts which were in the main Danish and none in those which were almost entirely Norse. The only natural and indeed the only possible explanation of these facts is to believe that all the settlements of *Norðmenn* were settlements of Norsemen, and that, where everybody was Norse, it would be purposeless to call a place Normanton or Normanby, but where they were

<sup>1</sup> The only epithets used with *þrage* in Old English poetry are *lytle*, *lange*, and *ealle*. *Lytle* is found once in a rendering of the Psalms, *ealle* is fairly common, *lange*, apart from the one case cited in the text above, is used of the length of the reign of King Beowulf (not the hero), of which we know nothing (*Beowulf* 54), of the time that Cain's demonic descendants fought against God (*ibid.* 115), of the time which Noah had to wait for the flood after making the ark (*Genesis* 1426), of the period during which Sodom and Gomorrah had insulted God (*ibid.* 2543), of the period of Abraham's sojourn in Philistia (*ibid.* 2843), of the duration of Nebuchadnezzar's exile among the wild beasts (*Daniel* 572), and of the time during which the bodies of the patriarchs lay buried in the plains of Mamre (*Andreas* 791). See Grein, *Sprachschatz der Angelsächsischen Dichter*, ed. Köhler, s. v.

<sup>2</sup> p. 44.

in a small minority amid an alien race it would be quite natural so to describe them. With these would go two Irbys in Lincolnshire, Little and Kirk Ireton in Derbyshire, and Irton in the North Riding, which must have been so called from Vikings from Ireland who would probably be of Norse rather than of Danish descent.

There is one further piece of place-name evidence. We have in Yorkshire a series of place-names, Arras, Arram, Airy Holme, Eryholme, Argam, which on the basis of their early forms can all be shown to go back to the nominative or dative plural of O.W.Sc. *erg*, 'a shealing', 'a pasture-farm'. Now this word is a Scandinavian loan-word from Old Irish, and its presence in Yorkshire, especially in the East Riding, can only be explained on the assumption that there had been a considerable influx of Irish-Norse Vikings into the Danelaw.

On the archaeological side Professor Collingwood has taught us the importance of distinguishing in the Scandinavian crosses in Yorkshire two distinct types of ornamentation, the Jellinge or Danish and the Norse which owed its inspiration to Irish schools of art.<sup>1</sup> Place-names and archaeology unite then in supporting the evidence of the poem which forms the main theme of this paper and in reminding us of the danger of underestimating Norse influence in the Danelaw.

ALLEN MAWER.

### *The English Bishops at the Lateran Council of 1139*

IN an interesting note under the above heading in the January number <sup>2</sup> of this Review, Mr. Reginald Poole discusses the identity of the bishop who, among the five bishops allowed by Stephen to go to Rome in 1139, is designated as 'Rofensis' by Richard of Hexham,<sup>3</sup> a blank space being left for his name, and by John of Hexham as 'episcopus Roffensis', with nothing to show that a word is omitted. Bishop Stubbs in his *Registrum* gives no consecration to Rochester after the death of Bishop John, formerly archdeacon of Canterbury, on 22 June 1137, until that of Ascelin, which he assigns to 1142 on the authority of a profession roll, and of which no other notice is known. John Thorpe asserts that during this vacancy of the see the bishopric was for

<sup>1</sup> See *Some Early Yorkshire Crosses* (Thoresby Society *Miscellanea*, vol. xxii. 267-338); *Angles, Danes, and Norsemen in the District of Huddersfield* (Tolson Memorial Museum Publications, 1921); and an unprinted lecture given at the 1922 meeting of the British Association.

<sup>2</sup> p. 61 above.

<sup>3</sup> As Mr. Poole in stating the question to be solved gives full references to his authorities I will not take up space by repeating them.

three years administered by John, bishop of Séez (d. 1144). Wharton does not allow any long period of vacancy, and maintains that after the death of Bishop John (1137) another John, a monk [canon] of Séez, was consecrated to Rochester. Mr. Poole considers Wharton's the 'more reasonable statement', and accepts a Bishop John (II) as the 'Roffensis' of the Hexham writers. With due respect to the judgement of so eminent a scholar I venture to differ from him. He considers that in the face of Richard of Hexham's comment that only five bishops and four abbots were allowed to go to Rome '*pro omnibus episcopis et abbatibus Angliae*' it is impossible to admit that one of the bishops was a Norman bishop. He seems to me to press Richard's words too far; they do not, I think, preclude the possibility of one of the bishops being the occupant of a Norman see, especially if he was at the time administering an English bishopric *sede vacante*. As regards John, bishop of Séez, himself, Mr. Poole shows from various notices that he held a prominent position in English affairs during the reign of Henry I and the early years of that of Stephen. His adherence to Stephen was of great political importance in Normandy, for besides such power as he possessed as bishop of Séez, he was a nephew of John, bishop of Lisieux<sup>1</sup> (d. 1141), another of whose nephews was Arnulf, the able and vigorous archdeacon of Séez,<sup>2</sup> who succeeded his uncle as bishop of Lisieux in spite of the violent opposition of Geoffrey of Anjou.<sup>3</sup> In ecclesiastical affairs he had already made himself a name, for in the reign of Henry I he had successfully carried through the reform of his chapter, though his uncle at Lisieux and Bishop Geoffrey at Chartres had failed in a like attempt.<sup>4</sup> It would, then, be a wise step if Stephen gratified him by the grant of the administration of an English bishopric, of which the see was vacant.

But was the see of Rochester vacant in 1139, or was the 'Roffensis' of the Hexham writers a John of Séez who had been consecrated to that see? Some indication that Richard of Hexham was aware that 'Rofensis' held a different position from that of the other three bishops who accompanied Archbishop Theobald may perhaps be discerned in the 'et' by which he joins them to him—'*Teobaldus quoque Cantuariensis archiepiscopus et [blank] Rofensis et Simon Wigornensis, Rogerus Coventrensis, Robertus Excestrensis*'. And that accurate chronicler John of Worcester, while naming these three English bishops as accompanying the archbishop, leaves out, as Mr. Poole observes, 'Roffensis' altogether. A far more convincing reason for rejecting Wharton's statement, and with it Mr. Poole's

<sup>1</sup> *Rob. Torig.*, ed. Howlett, Rolls Ser., p. 149.

<sup>2</sup> S. Bernard, Ep. 348.

<sup>3</sup> *Ibid.*, p. 142.

<sup>4</sup> *Rob. Torig.*, u. s., p. 149.

supposed bishop, John [II], is afforded by Henry of Huntingdon, to whose letter *Ad Walterum, De Contemptu Mundi*, Mr. Poole does not refer. In the earliest edition of that letter, written in 1135, the archdeacon in giving lists of bishops of his own time writes :

Fuit etiam tempore nostro Ingulfus praesul Rovecestrensis ; post quem Radulfus ; post quem Ernulfus. Hi omnes exinaniti sunt. Nunc autem sedet Iohannes mox periturus.<sup>1</sup>

In a later edition, ascribed to 1145 or thereabout,<sup>2</sup> he brings his lists up to date and writes of Rochester :

Fuit etiam tempore nostro Ingulfus praesul Rovecestrensis ; post quem Radulfus ; post quem Arnulfus ; deinde Iohannes. Hi omnes exinaniti sunt. Nunc autem sedet mox Ascelinus periturus.<sup>3</sup>

He therefore knew nothing of a John [II] of Sééz. But it may be objected that a writer bringing his old work up to date is liable to make mistakes, and that Henry may have overlooked a John [II], the 'Roffensis' of the Hexham writers. Such a mistake is scarcely possible in this case, for he must have been personally acquainted with the bishop described as 'Roffensis'. He, too, went to Rome in 1139, and on that occasion visited Bec, where Robert of Torigni was then a monk. Robert showed him a book—the peculiar interest attaching to the incident does not concern us here—and a summary of that book forms the contents of Henry's letter *Ad Warinum, De Regibus Britonum*. Robert used that letter as an appendix to the prologue of his chronicle, making some interpolations in it. From one of these we learn that Henry left Bec for Rome in company with Theobald.<sup>4</sup> He must then have known 'Roffensis' and the other companions of the archbishop. English bishops were not so commonly to be met with in the twelfth century as they are now, and if 'Roffensis' had been a bishop of Rochester Henry would not have forgotten his existence when a few years later he was revising his letter. On these grounds I submit that the see of Rochester was vacant from 1137 to 1142, that Thorpe's assertion, based, as Mr. Poole says, 'on what appears to be a late Rochester register' that for three years the bishopric was administered by John, bishop of Sééz, is probably correct, and that he is the 'Roffensis' of the Hexham writers. One difficulty remains, and though to my mind it does not invalidate my argument, I regret that I cannot solve it to my own satisfaction. Mr. Poole says that a Norman bishop administering the see would not be called bishop of Rochester. As a general proposition that is of

<sup>1</sup> *Hen. Hunt.*, ed. Arnold, Rolls Ser., p. 315 n.

<sup>2</sup> *Ibid.*, Introd. xiii.

<sup>4</sup> *Rob. Torig.*, ed. Howlett, Rolls Ser., pp. 65-6.

<sup>3</sup> *Ibid.*, p. 315.

course true, but as Richard apparently wrote very near the date at which his chronicle ends, the latter part of 1139, may he not have known that one of the bishops who went to Rome in that year had the rule and the emoluments of the bishopric of Rochester, and knowing nothing further about him, neither his name nor his position in regard to the see, may have styled him 'Rofensis' for lack of definite information? That Prior John some years later used the same term may surely be ascribed to carelessness. Writing with his predecessor's work before him, as we may assume it was, he did not take the trouble to ascertain who Richard's 'Rofensis' was.

WILLIAM HUNT.

[Mr. Poole writes that he was in error in attributing the address of John of Salisbury's ep. lvi, *Nigello Eliensi epis.*, to Dr. Giles. He has since found that, though it is absent from the older Paris manuscript, it is added in the margin of the fourteenth-century manuscript of John's letters in the University Library at Cambridge, li. ii. 21. Meanwhile a correspondence with Dr. Hunt has convinced him that the letter was in fact written by Gilbert Foliot and that, like it, Gilbert's ep. lxxix refers to the Lateran Council of 1139. But a discussion of this question, in regard to which he has arrived at a different conclusion from that which Mr. Round proposed in his *Geoffrey de Mandeville*, must be reserved for the edition of John of Salisbury's *Historia Pontificalis*, which is in active preparation and in which he has received most valuable assistance from Dr. Hunt.

With regard to the arguments in Dr. Hunt's note printed above, Mr. Poole willingly admits their force, but he thinks that in the defectiveness of the evidence the suggestion which he made (*ante*, pp. 61 *seq.*) is still worth considering.]

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### 'Lost Lives' of St. Louis of Toulouse

AN interesting example of the way in which the neglect of the precise meaning of a word may lead to the perpetuation of an historical error is furnished by the case of the 'lost lives' of St. Louis of Toulouse. From the seventeenth century onwards writers have asserted that the life of St. Louis was written by four of his contemporaries. The origin of this notion is to be found in the account of St. Louis given in Pietro Ridolfi's *Historiarum Seraphicæ Religionis Liber Primus*.<sup>1</sup> This book contains the following sentences:

Testantur F. Franciscus Scarerius, Episcopus Segetanus, F. Petrus Episcopus Epulanus, & F. Fortius, eius comites individui, qui eum ante familiariter nouerant, se in eo nihil vspiam audiuisset vel vidiisse, quod saperet peccatum mortale. . . . Testatur F. Gulielmus de S. Marcello, quod multoties tentauit Episcopatum cedere.

<sup>1</sup> Venice, 1586, pp. 121 and 121<sup>v</sup>.

Now the use of the verb *testari* alone should make it quite clear that the persons thus referred to by Ridolfi are witnesses in the process of canonization of St. Louis, and Ridolfi expressly states that the document is preserved by the friars minor of Venice, and that he has made it, together with the bull of canonization preserved at Bologna, the basis of his brief summary of the life of the saint.<sup>1</sup> There is here nothing, on the face of it, likely to lead to error, except that the names of the two bishoprics are obvious misreadings, for history knows of no sees called *Segetanus* and *Epulanus*. Yet these two sentences of Ridolfi are the source whence has sprung the completely false idea that 'F. Franciscus Scarerius, Episcopus Segetanus, F. Petrus Episcopus Epulanus, F. Fortius, and F. Gulielmus de S. Marcello', all four wrote lives of St. Louis.

The persons chiefly responsible for perpetuating the mistake are the two seventeenth-century Franciscan writers, Arthur Du Monstier and Luke Wadding. The former in his *Martyrologium Franciscanum*,<sup>2</sup> speaking of St. Louis, says, 'Vitam eius descripserunt Frater Franciscus Scarerius, Episcopus Segetanus, F. Petrus Episcopus Epulanus & F. Fortius; comites eius individui: F. Gulielmus de S. Marcello. . . .' It is obvious that Du Monstier's source for this statement is Ridolfi and not the process of canonization itself. The four names given are exactly the same dubious forms as those written by Ridolfi; had Du Monstier had access to the process there seems no reason why he should have spelt them in precisely the same way. What is not so plain is whether Du Monstier really thought that these friars had written lives of St. Louis, or whether he realized, from Ridolfi's use of *testari*, that they were merely witnesses. His employment of the verb *describere* leaves his statement open to either interpretation. But, be that as it may, the important point is that the effect of his statement has been to make Du Monstier the chief authority for the oft-repeated assertion that the three *comites individui* and William of St. Marcel were the authors of four different lives of St. Louis of Toulouse.

Luke Wadding, in the *Annales Minorum*,<sup>3</sup> under the date 1298, has no hesitation in asserting 'Scripserunt eius vitam frater Franciscus Scarerius Episcopus Segetanus', &c., &c. Apparently the exact meaning of the verb *testari* has no significance for Wadding. Coming to the nineteenth century, we find Sbaralea, the compiler of the supplement to Wadding's *Scriptores Ordinis Minorum*,<sup>4</sup> copying out this statement of Du Monstier and Wadding as his ground for the inclusion of the four friars above named among his long list of Franciscan writers. Ridolfi is

<sup>1</sup> p. 122v.<sup>2</sup> iv. 407, n. 23. Rome, 1732.<sup>3</sup> August, xix, § 3. Paris, 1638.<sup>4</sup> Rome, 1806, pp. 239, 284, 323, 593.

quoted also, it is true, but Sbaralea, in his turn, ignores the meaning of *testantur*, *testatur*. All the same, the good man is puzzled by these four writers. About Fortius he volunteers the information that he was a Frenchman. 'Franciscus Scarerius' presents greater difficulties. Sbaralea finds 'Segetanus' strange; should it not, he asks, rather be Aegitanus or Egitanus (i.e. Idanna in Portugal)? He is obliged to confess 'dubius est mihi iste Scriptor'. It is the same with 'Petrus Episcopus Epulanus'. Sbaralea knows that no such see as *Epulanus* ever existed, and tries to make it Esculanus, Insulanus, or Isclanus (Ascoli Puglia, Isola, or Ischia), the two latter places being Neapolitan bishoprics, and held in 1311 and 1306 respectively by a Friar Peter. As for William of St. Marcel, Sbaralea hazards the suggestion that he is identical with the anonymous author of the life of St. Louis, published at Antwerp by Sedulius, in 1602. He has, however, no proofs to bring forward in support of his theory. The error is repeated as late as 1898 both in the *Bullarium Franciscanum*<sup>1</sup> and in M. Hauréau's article on Guillaume de Saint-Marcel in the *Histoire Littéraire de la France*.<sup>2</sup>

The extraordinary fact that neither Wadding nor Du Monstier makes use of the four lives, nor states where he saw them, is indeed noticed by Pinius, the eighteenth-century editor of the life of St. Louis, in the *Acta Sanctorum*.<sup>3</sup> As he pertinently remarks, Wadding names at least three contemporary lives, but uses for his account of Louis only the anonymous life published by Sedulius. For his part, he could find no trace of any such lives. Nor is this surprising, since they never existed.

A glance at the process of canonization of St. Louis does, of course, clear up the whole error of the four 'lost lives'. This document, which, according to Ridolfi<sup>4</sup> was in the possession of the friars minor of Venice in 1586, seems to have been entirely unknown to Franciscan writers and hagiographers, such as the Bollandists, during the next three hundred years. It now forms part of the Campori Collection in the Biblioteca Estense, at Modena. By the great kindness of the prior of the college of St. Bonaventura, at Quaracchi, a society well known for its valuable work of editing documents dealing with the Franciscan order and kindred matters, I have been allowed to acquire a copy of the process, which the college has had printed for the first time, and which will be published, in due course, by the Quaracchi Press. It records the testimony of twenty witnesses to St. Louis's claims to sanctity, and among them we find the following:

5. Friar Fortis de Ordine Fratrum Minorum.

12. Gulielmus de Sancto Marcello ordinis fratrum Minorum.

<sup>1</sup> Tom. v, ed. Eubel, Rome, 1898, nos. 53, 102.

<sup>2</sup> Tom. xxxii, pp. 284-5.

<sup>3</sup> August, iii. 805. Antwerp, 1737.

<sup>4</sup> *Op. cit.* p. 122v.

19. Reverendus frater et dominus Fr. Petrus Scarrerii episcopus Repollanus de Ordine fratrum Minorum.
20. Reverendus pater et dominus fr. Franciscus episcopus Gagetanus, de ordine fratrum Minorum.

Here, then, are the four supposed authors. Of the first two it is not necessary to speak, but a few words may be said about Peter and Francis, since Ridolfi, if not responsible for the error of Wadding and his followers, is certainly to blame for the trouble he has given by his careless transcription of their names and sees. Peter Scarerius was the tutor and afterwards companion of St. Louis, who mentions him in his will. He was made bishop of Rapolla, a Neapolitan see near to Melfi, in 1308, and died in 1316. Francis le Brun filled the same offices in regard to the bishop of Toulouse as Peter Scarerius, and is also remembered in the saint's will. He was appointed to the see of Gaeta in 1306, and died in 1321. Both men were chaplains and trusted councillors of King Robert of Naples.

MARGARET R. TOYNBEE.

### *Richard II and the Death of the Duke of Gloucester*

THE following document may be of interest in connexion with Mr. Stamp's note on this subject,<sup>1</sup> though it cannot be regarded as a solution of the problem. Thomas duke of Gloucester held the office of constable of England, to which the earl of Rutland, afterwards duke of Albemarle, was appointed as soon as Gloucester was arrested. Rutland's appointment, during the king's pleasure, is dated 12 July 1397, the day after Gloucester's arrest.<sup>2</sup> The petition printed here, which appears to have been submitted nearly eighteen months later, is an application for a grant of the office for life. It was not granted till 6 January 1399, but it definitely asks for the patent to be antedated to the 9 September in the twenty-first year (1397). The grant was at first entered in the Patent Roll of the twenty-second year, under the date of 9 September 1398.<sup>3</sup> The mistake was soon discovered, as this entry is marked 'Vacated because at another time in the twenty-first year', and the grant is entered under the required date in the last roll of the twenty-first year.<sup>4</sup> Another petition from the same applicant, also relating to the constableness,<sup>5</sup> also asks for a patent antedated to 10 September 1397. This is minuted as being granted on 22 November 1398, but the corresponding entry on the Patent Roll is dated 10 September 1398.<sup>6</sup>

<sup>1</sup> pp. 249 ff., above.

<sup>2</sup> *Ibid.*, p. 423.

<sup>3</sup> Ancient Petitions, 2202.

<sup>4</sup> *Cal. of Patent Rolls*, p. 171.

<sup>5</sup> *Ibid.*, p. 359.

<sup>6</sup> *Cal. of Patent Rolls*, p. 505.

The duke of Albemarle was at this time high in the royal favour, and some of his household were afterwards stated to have been concerned in the murder.<sup>1</sup> It is certainly remarkable that he is found applying for a confirmation to himself of Gloucester's former office (though he avoids naming Gloucester as his predecessor), and asking for the patent to be dated the day after the duke's confession, which was very probably the day of the murder. The official date of Gloucester's death was stated in April 1398 to have been the Saturday before St. Lambert, i. e. 17 September,<sup>2</sup> although by the reports given out beforehand he was believed by Rikhill and others to have died on 25 or 26 August. Whether Albemarle's choice of this date for his patent is proof of his complicity in the murder or of his complete innocence must be determined by those who have made a special study of the period: but the petition is one which ought not to be overlooked in any attempt to solve this still mysterious affair.

R. L. ATKINSON.

*Ancient Petitions, no. 7611*

Ista peticio concessa est per dominum Regem die lune proxima post festum sancti Edwardi confessoris anno xxij<sup>o</sup>.

Please a nostre tresredote sieur le Roi grauntier a son humble liege et nurri Edward deverwik qil soit Constable dangleterre ove tous les fees gages libertees franchises profites emolimentes et commoditees qeconques a la Constablerie dangleterre appartenantes ou regardantes en qeconque maner a avoir user et tenir a vostre dit humble liege et nurri a terme de sa vie ausi franchement entierement honurablement et pleinement come le Conte de Northampton qi darrein morust ou aucun autre devant ou apres lavoit usoit et tenoit devant cez heures a cause ou occasion de qeconques terres seignuries ou droites heritablement ou en aucun autre maner qeconque: et en outre de vostre habundante grace grauntier a vostre dit humble liege et nurri touz maners de fees meynprises obligations dettes duetees peynes forfaitures amerciementes defautes profites emolimentes et commodites qeconques duez forfaitiez ou adjuggiez en vostre courte de chivalerie du dit office de tout temps passe tanqe encea[ux] unqore aient levez ne pleinement executes et qe vos honorables lettres patentes si plect a vostre roiale mageste eut affaires portent date de le neofisme jour de Septembre lan de vostre regne vint et primer.

*The Irish Free Trade Agitation of 1779*

It is unnecessary to deal at any length by way of introduction with the general circumstances in which the following documents were composed, as the incidents which led to the repeal of the Irish commerical restraints are well known to historical

<sup>1</sup> *Rot. Parl.* iii. 452.

<sup>2</sup> *Ibid.*, p. 323.

students. The general economic depression from which Ireland suffered throughout the first eighty years of the eighteenth century was aggravated about the year 1775 by the failure of the only two industries which oppressive legislation had permitted to flourish, namely the linen and provision industries. The crisis in these two industries, which was the result of the American War, was followed by extremely serious consequences, not alone to the industries themselves, but to the Irish landed interest and working classes in general. The acute commercial and industrial depression which thus arose had an injurious effect on the public finances of the country ; the revenue was insufficient to defray the expenditure ; loans could be raised only on prohibitive terms ; and the Irish exchequer was saved from bankruptcy by the advance by the Bank of England of a large sum secured on the Irish debentures.

This desperate situation had one good result, in that it disturbed the apathy of the sufferers, and gave rise to an agitation for the repeal of the restraints which were strangling Irish industry and commerce. The condition of Ireland was made the subject of discussion in both the British and Irish parliaments, and Lord Buckinghamshire, the lord lieutenant, strongly advised the British government to introduce ameliorative legislation. The British house of commons passed a series of resolutions so favourable to Ireland that it aroused a storm of hostile feeling among the English manufacturing classes, in the face of which the government dared not proceed to translate its good intentions into action. The situation in Ireland, however, grew worse from day to day, and Lord Buckinghamshire's dispatches became more and more disquieting. In the end, Lord North succeeded in passing two half-measures, which partially repealed the commercial restraints but did not go nearly far enough to remedy the distress in Ireland, which had by that time become desperate.

Despairing of obtaining constitutional redress the Irish popular leaders now had recourse to an unconstitutional agitation, and the early months of 1779 witnessed the growth of the movement for the non-importation of British goods and the enrolment of the Irish volunteers. These new developments gave rise to much uneasiness in the mind of the lord lieutenant, who continued to urge, with ever-increasing emphasis, the need for immediate measures of redress. The British government was by this time quite awake to the fact that something must be done, and it took the sensible step of seeking to obtain the best Irish advice upon the situation. It was in response to this invitation for advice that the documents now printed were composed. On 18 May Lord Weymouth wrote to Lord Buckinghamshire : 'I cannot doubt that your Excellency will direct your most

serious thought to this important matter, and that you will transmit to me your opinions together with such information and materials as may lead to the forming of a proper judgment on a point of such serious concern to the welfare of the people of Ireland'; and on 23 May Lord Buckinghamshire, in his reply, assured Lord Weymouth that his 'best endeavours should be used to obtain the fullest information upon the important matters therein mentioned, together with such materials as may lead to a proper judgment on a point of such serious concern'. On 27 May Lord Buckinghamshire further wrote that he had communicated the address of the British house of lords on the condition of Ireland to several persons of the first rank and consequence in Ireland, and had desired them to deliver their opinions and sentiments thereon, and that he had made the same communication to the commissioners of the revenue, desiring them immediately to take this very important matter into their most serious consideration, and prepare such accounts of the trade and manufactures of Ireland, as would show in what particulars and proportions they had declined, with their opinion of the causes thereof, and how the same might be remedied, together with all such materials as might enable the British parliament to form a proper judgement on a point of such high concern as the welfare of the kingdom of Ireland. On the following day he communicated his own opinion on the matter in a letter which is printed in Grattan's *Life of Grattan*.<sup>1</sup>

The gentlemen for whose advice the lord lieutenant had asked were in no hurry to commit themselves to an opinion. 'The gentlemen to whom application has been made for their sentiments', he wrote to Lord George Germain on 2 June, 'will linger in the formally delivering them, but the necessity of expedition shall be represented. The Commissioners of the Revenue, from whom the fullest and most authentic information is to be expected, have expressed the necessity of their being allowed time for investigation and deliberation';<sup>2</sup> and on 8 June he wrote to Lord Weymouth:

Your Lordship has already been acquainted that the Commissioners of the Revenue require some time for the drawing up the papers expected from them upon this important occasion. My application to all the principal servants of the Crown for their respective sentiments has also been mentioned, but these sentiments will be delayed, and, when given, stated very cautiously, except by the gentlemen who will probably recommend universal indulgence to the commerce of Ireland.

On 12 June he told Lord Weymouth in a further letter:

It concerns me to have but too much reason to apprehend that the con-

<sup>1</sup> Vol. i, p. 349.

<sup>2</sup> *Stopford Sackville Papers*, i. 246.

cessions proposed by the gentlemen applied to will be very extensive, even from those who are conscious of their inadmissibility. The occasional favour of government cannot induce men to incur the odium of their country at a crisis which they deem critical for the attainment of their objects.

The opinions were delivered during June and July, and were duly forwarded to London. In September the lord lieutenant obtained from Lord Lifford a second memorandum in the form of a criticism of the other opinions that had been furnished. This document was never forwarded to London, as appears from a letter from Sir Richard Heron to Sir Stanier Porter of 25 October 1779, and from a letter from Lord Hillsborough to Lord Buckinghamshire of 1 December 1779 ; and the only copy known to be in existence perished in the destruction of the Irish Public Record Office last year. The other documents, copies of which were preserved in the Irish Public Record Office and the London Record Office, are now printed for the first time. They were drawn upon by Froude and Lecky, both of whom called attention to their historical value.<sup>1</sup>

All the opinions obtained by the government are printed below, with the exception of those of the primate (Lord Rokeby), the chief justice of the common pleas (Marcus Paterson), and John Hely-Hutchinson. The opinions delivered by Lord Rokeby and Paterson are omitted because they contain nothing of the slightest interest or value, and that of Hely-Hutchinson because there is nothing in it which was not afterwards printed in his famous book, *The Commercial Restraints*, of which it seems to have been the first draft. The other opinions are printed in full with the exception of the formal preliminary and concluding paragraphs. Some pages of statistical information and some appendixes of statistics are omitted from the opinion of the commissioners of the revenue. The documents are arranged in chronological order, according to their date of composition.

GEORGE O'BRIEN.

*Opinion of Sir Lucius O'Brien*

28th May 1779

The Marquess of Rockingham in his Speech which furnished the immediate Occasion for my Lord President's Address, after stating the Discontents and the Distresses of Ireland, seemed to point at the Removal of certain Restraints imposed on the Trade of Ireland by English Acts of Parliament as the proper and most effectual Remedy. But His Majesty's Ministers in Great Britain (I presume) wish to know from your Excellency, not only, which of these Restraints bear hardest on this Country, but also, whether by the removal of them, or any of them, these Discontents *may*

<sup>1</sup> *The English in Ireland*, ii. 223 ; *History of Ireland in the Eighteenth Century*, i. 173.

be effectually put an End to, the Distresses removed and Ireland once more rendered capable of being serviceable to herself and to Great Britain.

That Commercial Graces will be extended to Ireland, worthy of His Majesty's Paternal Affection for this loyal Kingdom, worthy of the Peerage of England which has condescended to be our Intercessor, and in some degree proportionable to the greatness of that Distress in which we are at present involved in the Quarrel of Great Britain, I can entertain no doubt of ; The further those Graces shall be extended towards restoring to Ireland that freedom of Trade which she enjoyed without interruption from her first Submission to England untill the oppressive Administration of Charles the Second, I must consider as so much the more beneficial to both Countries ; for the Strength, the Trade and the Wealth of Ireland as substantially belong to Great Britain, as those of Yorkshire or of any other County do belong to her.

If the whole of this Concession may be considered as too much at one Time, yet might we not expect now, that we should be permitted to import Plantation Commodities directly into this Kingdom ; and that we might be indulged in such low Branches of the Woolen Manufacture, and to such Markets as we have all along enjoyed permissively and by connivance tho' against the Letter of the British Law, and which, England seems to have lost entirely.

How far the first of these is necessary to the Revenue of Ireland, to the restoration of an adequate circulation amongst us, and even to the Credit of your Lordship's own Administration, I have taken the liberty frequently of submitting to your consideration.

But my Lord I presume to say that tho' all those Advantages I have mentioned had been granted to us, they would neither remove the Distresses nor (in my Apprehension) the Discontents of this Country, without a great variety of operative Regulations in this Kingdom, many of which should by no means be postponed till the Meeting of our Parliament, but rather should be entered on immediately. Great and important Advantages in Trade were granted to us in the last Session of the British Parliament, which nevertheless have not produced the smallest Benefit to Ireland, and both your Lordship and the Ministry in England have been deprived of the Credit and the Gratitude which should have resulted from their Operation. Without those Regulations, I now allude to, they never can produce their proper Effect ; and indeed of this I was so fully convinced, that immediately after passing the Acts for the Benefit of the Trade of Ireland in 1778, I took the Liberty of offering my Services on the Occasion to Sir Richard Heron, and that I would even remove my Family to Dublin that I might more closely attend to this favourite Object.

*Opinion of Lord Lifford*

Wednesday 9th June 1779

The promoting the Common Strength Wealth and Commerce of both these His Majesty's Kingdoms of Great Britain and Ireland, is a great and divine Work, every Man in Office or out of Office owes his best Assistance to it. I lament that I can afford it but little. It requires much Reflection, the coolest most dispassionate and impartial Consideration, the

most diligent and most laborious Investigation, to come at the Causes of that seeming Decay and Waste which like a Disease has for a number of Years been wearing down and weakning this Country, and has at length produced the present Cry and Appearance of Distress and to point out a Remedy is infinitely above the Compass of my Mind and I believe above that of any one Man, it requires that Contribution of Thought, that variety of Knowledge, that communication of Sentiments and that effort, that separately and unitedly is to be had from several, and those the most knowing and conversant in Public Affairs and in the internal Circumstances of both Kingdoms, and of the most temperate Minds and soundest Judgment. When I look back to the State of this Country only ten or eleven Years ago, and compare it with the present State of Things I see a mighty Difference. The Treasury was in great Credit and every Thing was well paid. The Trade and Manufactures were such as to afford to my Eye (which indeed could only look upon the Surface) an appearance of Ease, and Prosperity, and there was not as I recollect any Thing of that Public and Private Distress that is now felt. Upon this view of Things I have been endeavouring from the Impressions of my own Mind and from what I have been able to collect from the Sentiments and Opinions of others to find out the Causes of this great Difference. The great Drains by Pensions and by the Remittances to Absentees and considerable Appointments to useless nominal Employments, High Rents, Local and Grand Jury Assessments, which last are now grown, and that of late Years, to so large a Sum as one hundred and thirty thousand Pounds per Annum, and which fall heavy on the lower Orders of People, the loss of the American Trade and some other Particulars are assigned as Causes, but when I examine them they appear to me inadequate. As to the Drains by Pensions and by Remittances to Absentees they existed pretty much in the same way at the Time that I have been looking back to, and there was at that Time a Drain and a very great One indeed of no less than three hundred thousand Pounds per Annum which at that Time and until the Year 1773 or 1774 went out of this Kingdom for Corn, but this no longer exists, and has not only ceased, I believe from the Year 1774, but from the Article of Corn, Money has I believe every Year been brought into the Kingdom. The Drains by Pensions and useless Employments may be reformed by a review of them, and that by Absentees counteracted; as to the High Rents and local Taxes, they may add to the Causes probably of that Distress that is felt, but cannot go a great way in making that Difference which I have taken Notice of. As to the American War this Country feels something in Common with Great Britain, but I believe upon pretty good Information that the Loss of a Clandestine Woollen Trade to a considerable Amount carried on to America has been greatly Felt by the Woollen Manufacturers, and this may, for what I know go a considerable way towards the great present Distress, that is say'd to have come upon that Body of People. However, all these and others that I have heard of, as Causes, are not in my Mind adequate to the Difference of the Times, the great Cause, or some great Cause, lies probably much deeper. The Seeds of that Decay, which has brought Us to our present State, may have been sown long ago and might possibly be acting at the Period to

which I have been looking back. In truth I am afraid there may be some radical Cause not yet sufficiently noticed or understood. As to the Remedy for the present Evils, I am afraid no adequate one will be found, till the People of both Kingdoms shall be brought to that temper, that benignity of Heart, that Liberality of Mind, and that equal and just Sense of Things, as shall dispose them to think of this great Subject as Citizens of the World, with an Indifference whether a great Manufacture of the Empire be carried on in the County of York or in the County of Down, and as one People under one King, one Constitution, with one and the same Religion as the National one, and as bound to promote one End, the Good and Welfare of all. I wished, Sir, to have been more Particular, and to have contributed towards something immediately to be done. I observe, with Concern, that the People are moved, some Degree of fermentation has taken Place, tho' not such as greatly to alarm me, but so as to make it Wise and necessary in my Mind immediately to do something, if possibly it can be done, towards quieting the Minds of the People. What may be the proper Measure is too great for me. I will however in the present State of Things, and under the near Approach of the Conclusion of the present Session of Parliament in Great Britain, venture to suggest it for Consideration, whether it may not be wise to think with Effect of some Resolution in each House of Parliament before the Session Closes, that shall be so formed as to afford some Assurance to the People of this Country, and as may conduce to the Discussion of this Weighty Business by such Persons and in such Way as His Majesty shall in His great Wisdom see meet and fitting.

*Opinion of Henry Flood*

10th June 1779

I have accordingly had the Honor to give it a very serious Consideration, and the more I have Considered it, the more I have felt the peculiarity of my Situation. Official Information has at least not been extended to me, for some Weeks I have not seen even a Treasury Abstract, and Mercantile Detail is not here within my reach. I should not trouble your Excellency with the mention of this but to account for my being less Circumstantial than I wish. There is Reason however to believe that at this Time Materials are not wanting. The Difficulty is to depart from an Established System however wrong as the Restrictions upon the Trade Commerce and Manufactures of Ireland are, which diminish the Wealth of these Kingdoms and the Strength consequent on Wealth. Objections do not arise in Ireland to a departure from that System. The Objections arise in England and must be so much better known to the Ministers and Parliament of that Country than they can be here, that it might seem Presumption in Us to point them out and how to obviate them by Anticipation I confess I know not.

*Opinion of Edmond Sexton Pery*

June 12th 1779

It is not necessary for me to say much to your Excellency relative to the State of the People of this Kingdom ; that it is such, as described in the Addresses, the deficiency in the Revenue, the decrease of Rents and of the value of Estates, the accumulation of public and private Debts,

and the Accounts received from all Parts of the Kingdom corresponding with what has passed immediately under your Excellency's own observation in the Metropolis, leave no room for doubt. It is true the Distresses of the lower classes of the Manufacturers, particularly in the City of Dublin have been of late in some measure alleviated by Associations for the Consumption of Home Manufactures which have sett those at Work who were before unemployed ; but it is to be apprehended that these Associations, however innocent and perhaps necessary at present to prevent the effects of Despair in the People, will not continue long so unless the progress of them be stopped by cutting off the source of the Evil.

It is equally unnecessary for me to point out to your Excellency more than one general Cause of this Distress, for tho' many other certainly concurr, yet they are either of a Nature not to be redressed by Parliament, such as the great and constant flux of Wealth from this Kingdom to supply absentee Proprietors and Creditors whose numbers increase in proportion to its distress, or they are such as require no remedy but a due and vigorous execution of the Laws, and a few internal Regulations.

The general Cause of Distress is undoubtedly the restraint upon the Trade, and consequently upon the Industry of the Kingdom. If the extent and operation of the Laws, which limit the Trade of Ireland are considered, it will appear that her Complaints upon that Head are not without foundation.

Ireland is excluded from all direct Commerce with the British Colonies in Asia, Africa and America, except for Victuals and white and brown Linens, and except for a few trifling not enumerated Articles in return, which are of little, if any, advantage to it, and in some Instances perhaps of prejudice. It is true, some alteration has been lately made with respect to certain Articles of Export ; but they are so few and subject to such limitations restrictions and duties, especially as nothing can be brought back in return, that the Law has not yet had, and probably never will have, any operation. Ireland is likewise prevented from carrying on any Trade with the Colonies of other Nations, for the principal Articles of their produce can only be imported from Great Britain.

Ireland is also restrained under the severest Penalties, from sending to any Part of the World any Manufacture made of or mixed with Wool.

Thus is Ireland in effect cut off from all Trade, at least what deserves the name of Trade, with the rest of the World, for it is well known that Commerce cannot be carried on to advantage without assortments of the different kinds of Goods which are in demand in the Country traded with, and without permission to bring back in return the produce of such Country or of its Colonies ; the only two Articles then of Trade from which Ireland can derive any advantage, are Linens and Provisions ; with respect to the former, there are many powerful Rivals to contend with, who get the Materials upon much cheaper terms, and, She is restrained from sending the most profitable branch of that Manufacture to the only Markets where there is a demand for it ; with respect to the latter, the trade is frequently stopped at the most critical Seasons, it must be presumed upon Reasons of State, by Embargoes, the last of which continued for three Years. The situation of a Nation which depends upon one single Manufacture is precarious, it must sensibly feel every revolution and

uncertainty, to which every particular Manufacture is exposed, upon the least Check the Poor are thrown out of Employment, and of consequence become idle and miserable ; Such is the Case of Ireland, and such it must remain, as long as those Laws which I have mentioned subsist. It would not become me to question the Justice of those Laws, but the Policy of them may be examined without offence. That Ireland must continue in a State of Poverty, frequently of Misery, under those Laws, appears evident not only from Reason but Experience ; it seems to be equally obvious, that it is not the Interest of Great Britain to keep her in that State ; in the view of Commerce only, Great Britain must be a loser by it, little is to be got by trading with a poor Country, much by trading with a rich one ; the Profits of Great Britain upon its Trade with Ireland must be in proportion to the Wealth of the latter ; the Benefit of one Nation constitutes that of the other ; in every other point of view the Interest of Great Britain in the Prosperity of Ireland seems equally evident ; Great Britain being the center of Power, all the Riches of Ireland must ultimately flow to it, if the Trade of Ireland increases, the Revenue of it must increase in proportion, and may in Time become a Fund not only sufficient to maintain its own Establishments, but to assist Great Britain in Time of War ; on the other hand if the Revenue of Ireland by the depression of it's Trade proves insufficient for the support of it's Military Establishment, the Deficiency must either be made up by Great Britain, of which there has been a recent instance, or the Army must be disbanded to the manifest hazard of both Kingdoms.

But tho' it is obvious, that the general State of Great Britain must necessarily derive many advantages from the increase of Manufactures and Trades in Ireland, yet several Bodies of Manufacturing People in the former Kingdom more attentive to their own private Interest than to that of the Public, look upon the progress of Improvement in the latter with a jealous Eye, and suppose it impossible that it's Trade should flourish but at their expence, not reflecting that the Objects of Industry are not to be exhausted, and that there are Markets for more Manufactures than both Countries can possibly supply, provided they sell cheaper than other Nations, without which Circumstance neither can succeed. But it is supposed that Food being cheaper in Ireland than in England, the Manufacturers in the former Kingdom can undersell the latter ; It is true that the Food of the Manufacturers in the former Kingdom is at present cheaper than in the latter, principally because it is of an inferior quality, being Potatoes and Milk, but if they were to feed upon Bread and Butcher's Meat, as no doubt they would if they could, the difference would be very inconsiderable, and would daily become less as Ireland increased in Industry and Population ; But let the difference be what it may, the advantages of superior Skill, Ingenuity, Stocks and established Correspondence, are much more than an equivalent for it, of which Scotland affords a strong Example, for tho' Provisions are as cheap there, as in Ireland, yet the Commerce of that Kingdom has not in the least injured that of England.

The Woolen Manufacture, the great Subject of jealousy, requires some particular Notice. It is asserted by the Drapiers and Clothiers in Ireland, that all the Wool produced in Ireland is not sufficient to cloath its Inhabitants ; the Price of Wool in Ireland being so much higher than in England

seems to countenance the Assertion, unless it be raised by a great Demand for it in France, and the consequent temptation to Smugglers to transport it into that Kingdom ; of this Fact I am by no means certain ; it is asserted on the one side, and denyed on the other with equal confidence, and by People who may be supposed to know the truth ; but on which soever side the truth lies, it shews that England has nothing to fear from the competition of Ireland in the Woolen Trade, tho' it were laid open ; the opening of that Trade could not lower the Price of Wool in Ireland, on the contrary it would probably raise it, and as England at present undersells Ireland, even in it's own Market, in all Branches of the Woolen Manufacture, tho' subject to considerable Duties and charged with Freight, Commission and Insurance, it would probably continue to do so after the Trade was left open. If England should be excluded from the Irish Market, the Woolen Manufacture would suffer more by the loss of that Market than it can by any competition in a Foreign Market.

Thus upon the enlarged and generous principles of Commerce, as well as of Policy and Justice, it seems to be the Interest of Great Britain to permit the People of Ireland to exert their own Talents and to reap the Profits of their own Industry in common with their fellow Subjects of Great Britain ; Nothing more is asked by them, and Your Excellency may be assured, I say it with confidence, nothing less will content them. Expedients may, and I believe will be tried, but I am persuaded they will prove not only fruitless, but tend to exasperate, instead of mollifying the Minds of the People. I have heard it asked, what will Ireland give in return for such Benefits ? To Bargain is not suitable to the Dignity of the Crown or of either Nation, it would be a Subject of distrust and jealousy, and disappoint the very end of it. The Parliament of Ireland has ever considered the Interest of Great Britain as its own, even when it resented most the State in which it was held, and granted Supplies to the extent of its Abilities and the demands of the Crown. What reason to suspect that it would be less liberal for being gratified ? Ingratitude is not the growth of Ireland. The Parliament of Ireland as well as that of Great Britain may be trusted with providing for the exigencies of the State, when it considers itself as a part of it. At present the People of Ireland are taught by those partial Laws to consider themselves as separated from the Inhabitants of Great Britain : were that fatal Obstacle removed, they would be united as much in Affection, as they certainly are in Interest ; and it would not then be in the power of Malice to disturb their Harmony. But the Seeds of Discord are sown, and if suffered to take root, it is to be feared will soon overspread the Land.

If I have treated this Subject with too much freedom, I am persuaded your Excellency's candour will impute it to my Zeal for the Prosperity of both Nations equally dear to me.

*Opinion of Lord Annaly*

14th June 1779

In pursuance of those Commands with which your Excellency has honored me, I shall take the Liberty of mentioning very shortly the principal Causes from whence I imagine the Poverty and Distresses of

Ireland arise, and submit to your Excellency the only Methods in which I conceive they can be in any sort redressed, so as to promote the Common Strength, Wealth, and Commerce of His Majesty's Subjects of both Kingdoms : there are I believe many accidental Causes which arise from the present Situation of Affairs, that concur in rendering the Distresses of this Country greater at present than usual, and which may probably occur to Persons more conversant in the Trade of this Nation, than I am, but from the best Judgment I can form, there seems to me to be three permanent Causes from whence the Poverty and Distresses of Ireland principally proceed : First the several Laws made from Time to Time (particularly since the Revolution) in some Instances prohibiting, in others Restraining the Trade of Ireland ; Secondly the great Sums drawn Annually out of Ireland by Lords and Gentlemen of very large Estates in this Country, who never reside here, and who pay very little in proportion for the Protection their Property receives from the Laws, and the Civil and Military Establishments of this Kingdom ; and I apprehend that the Third great Source of Our Poverty is the Idleness, and Licentiousness of the lower Class of People which I think has been greatly increased by a Statute lately passed for limiting the Duration of Parliament generally called the Octennial Bill. The Inconveniencies arising from the Second and Third of these Causes may be (at least greatly) remedied by the Legislature of Ireland, if they shall be thought Matters worthy of Consideration. But I humbly apprehend that those evil Consequences which arise from the Prohibitions and Restraints laid upon Our Trade can only be remedied by a Repeal of those Laws by the Legislature of Great Britain, and by putting the Trade of this Nation on the same free Footing it is in that Kingdom, and I conceive with great Deference, that this Emancipation of Our Trade will promote the Common Wealth, Strength and Commerce of His Majesty's Subjects of both Kingdoms, as it seems to me, that any Infant Manufacture, that may be undertaken in Ireland, can never interfere with any of those already established in Great Britain, and besides the Traders and Manufacturers of Ireland have not (in my Opinion) Capitals sufficient to enable them to carry on any Branch of Trade, in so extensive a Manner, as in any sort to affect the Trade of Great Britain. If however (which can hardly be expected and which is indeed a very distant Prospect) this Kingdom should become in any Degree Opulent, any Riches that it might acquire must (from Great Britain's being the Seat of Empire and from that Connection that so happily subsists between her and Ireland) ultimately center in Great Britain and contribute to promote the Grandure and Dignity of that Kingdom.

*Opinion of Walter Hussey Burgh*

19th June 1779

That the Poverty of Ireland is such as has not only involved the Inhabitants in the utmost Distress but has also reduced His Majesty's Revenues in a most alarming Degree, insomuch as to make it Matter of serious Doubt whether this Kingdom can any longer support her Establishments and whether she must not resort to Great Britain to defray the Expences of her internal Defence.

This is not the only point of view in which England is materially interested in our present Situation. The Importation of Commodities from Great Britain into this Kingdom has decreased with the Wealth of the Consumer. The imports from thence in 1778 fell short of the Average for the four preceding Years by no less a Sum than £634,444 3s. 0½d.

As the Rents of Irish Gentlemen resident in England must necessarily decrease on Account of the National Distress, as casual Remittances from hence must also be diminished (since we shall not have Occasion for so much Intercourse of Business, and cannot afford so many Excursions of Pleasure) I will suppose a Diminution on Extra-commercial Money sent from hence to Great Britain to amount to a little more than half the Diminution upon Imports and England will lose by the present Poverty of Ireland One Million a Year.

It is therefore the common Interest of both Countries that we should be permitted to acquire the Means of at once supporting our own Establishments and contributing to the Wealth of Great Britain.

Partial and minute Commercial Indulgences will not answer this End. Those must be solid and extensive Advantages that will restore the Defalcation of £634,000 a Year in Our Imports from Great Britain alone.

By a late Regulation the Restraint of Our Trade was removed as to a great number of Articles and no Doubt it was intended by that Means to afford us very considerable Commercial Benefits. The Event has not answered the Expectation. Ireland has not profited a single Shilling by that Indulgence, and I see no Reason to suppose that a similar Measure would be more effectual now than it was then.

If a Branch of Commerce is to be sought for that may be important to Ireland without being so to Great Britain I despair of Success. The Produce Soil and Situation of the two Countries are so similar, the Capital, Skill, Industry and Correspondence of Great Britain so superior, that it is impossible a Trade should be beneficial to us that is found unprofitable to them. If she will not let us participate in the profitable Parts of her Commerce, it is in vain to bestow upon Us, what she has experienced to be of no Value.

A general Participation of Trade is in my Apprehension the only Measure that can save this Country from becoming a Burden to Great Britain.

Such a Participation can be no Injury to Great Britain, the Money acquired by it to Ireland must flow back to her. She will lose a Million a Year by not doing it. The Loss on one side is great and certain, on the other it is a Doubtfull, and in my Apprehension an erroneous Speculation.

That a Country in the Infancy of Improvement without Skill in Manufactures, without Capital in Trade, without Coal or Inland Navigation, without Habits of Docility or of Industry should in a Moment run away with Trade and Manufacture from One in which they have been long and firmly established with all those Advantages to boot is an Assertion that is refuted in the stating it.

It is now come to this. England must either support this Kingdom or allow her the Means of supporting herself. Her Option is to give in Trade or in Money. Without one or the other I know not how the Expences

of Government here can be supplied. In the one way she suffers a Country of Great Extent and Fertility to become a Burden instead of a Benefit. In the other, whatever Wealth We may acquire will flow back upon herself. It is true she will have to encounter the Jealousies of a few trading Societies to enrich the Empire. Those Jealousies if local are Unjust, if general they are Groundless. If the Question put to me were what is for the Benefit of Glasgow, what is for the Benefit of Manchester? I should answer that Monopolies however destructive of the general Weal are beneficial to those who possess them. But when it is demanded, what is the most effectual Measure for promoting the Common Strength Wealth and Commerce of His Majesty's Subjects of both Kingdoms I answer—'an equal and perfect freedom of Trade' without which one of those Kingdoms has neither Strength Wealth nor Commerce and without which she must become a Burden on the other.

*Opinion of the Commissioners of the Revenue*

(Lord Naas, Lord Clifden, John Monck Mason, Sir Hercules Langrishe, and Robert Waller)

26th June 1779

The distressed and impoverished State of this Kingdom being the Motive, and the promoting the common Strength Wealth and Commerce of Great Britain and Ireland being the End proposed in the Addresses of the two Houses of Parliament to His Majesty, your Excellency requires Us to lay before You the Causes of the one, and the Means of attaining the other; and if the Subjects were not of uncommon Concern and Importance, we should avoid entering into a Discussion of so much Difficulty and Delicacy, in which We must step a little beyond the narrow Line of our Business to treat of a Subject which in many Instances will not admit of authentic Documents. But We shall proceed humbly to offer our Opinion of the Causes to which the distressed and impoverished State of this Kingdom is to be attributed, founded upon Facts which tho' from their Nature they cannot be digested into the Form of an Account, are yet of such universal and public Notoriety as that We think they cannot be controverted.

The first and heaviest Weight against the Improvement of this Country, and which daily increases in the Balance between England and Ireland, is the continual Drain of Money from the Estates of Persons, of Property in this Country, resident in England.

The profusion of Wealth poured into England after the last Peace sunk the Interest of Money there so low that several Persons found the Advantage of purchasing Estates in this Kingdom rather than in England. The same Cause induced Gentlemen of this Country who wished to raise Money for the Purposes of their own Convenience to seek it in England. The Rents of the old Estates of Absentees have from the same Period risen exceedingly upon the new setting of Leases, except where some Landlords have followed the Practice of taking heavy Fines. The Draft of these Fines, Interest-Money, and Rents, together with the Annuities and Interest upon our Public Loans (the Subscriptions to which have, from the Poverty of this Country, been mostly filled from Great Britain and Foreign Parts)

all these concurring Circumstances having gradually increased are now come to such a Height as to require an uncommon Balance of Trade in our Favour, to enable Us even to exist as a Commercial Nation. But when this running Evil conspires with the Decay of our Trade, and the Decline of our Manufactures, mixing with other Disorders of our Constitution, the distressed State of this Kingdom is no longer to be wondered at.

Another Cause of the instant Distress of this Kingdom, We attribute to it's Population, which, altho' it be the Source of Wealth and Prosperity to a Country enjoying the Advantages of Trade and Commerce, is at present a serious Evil in this Nation where the People have not sufficient Employment. For altho' the desertion of our Inhabitants hath existed since the Revolution, and of late Years since the Peace of 1763 it has been so considerable as to create a Fear in some that this Country would in a short Time be Depopulated ; That Fear however did not prevail with those who remarked the great Increase of Buildings in most of Our Towns, and the universal Rise of Rents and of the Price of Lands ; Two Circumstances which could hardly have concurred if the Number of People in the Country had not increased. And We believe that in so healthful and temperate a Climate, Mankind will Multiply exceedingly, unless War, Famine, or Pestilence should sweep them away.

The Temptations to Emigration from this Country to America have always been very great, from the exceeding cheapness of Land there, the high Price of Labour, and the extraordinary Value of every Species of Art and Manufacture ; to which has gradually been added the Inducement from Relationship and Connection with former Settlers. Partial Discontents on this Side have somewhat contributed to the same Effect ; arising perhaps from Failures and Disappointments in a limited Trade, or from disagreement in Religious Opinions. In America every Handicraft is sure of Employment, and every Religious Profession finds an established Communion in some of the Colonies.

But upon the breaking out of open Hostilities, and on the American Declaration of Independence, Emigration from this Country entirely stopped, and at the same Time the whole of our Export Trade thither ; So that the Number of our People being increased, and the call for our Manufactures being decreased, sufficient Employment cannot be found for Hands accustomed to the Loom, and which cannot be suddenly turned to Agriculture. And it will be admitted that the present Distresses would have been much more severely felt if numbers of Artisans had not enlisted in the Army ; and if charitable Contributions had not provided Relief for the most indigent, in our Houses of Industry.

The Populousness of Ireland and it's Incapacity of giving the People full Employment has always been experienced by Numbers who go every Year to England to work at the early Harvest, not having then means of acquiring Subsistence at home.

It appears as a Solecism to assign the Increase of Population as a cause of the Declension of the Manufactures ; But when it is considered that those People have not Employment, and that with the low Price of the Manufactures in Foreign Markets the Value of Money at home hath not fallen, and that the Profits of Industry are carried out of the Country to

our numerous Absentees, these explain why our circulation should be slow, and the Condition of our Manufactures of course languid and declining.

Whenever America shall be in a settled State, let that State be under what Conditions it may, We must expect that the Emigration from this Country will be more numerous than ever, and that our working Hands especially will carry with them not only the present Wealth of this Country, But the means of most effectually preventing a Return thereof hereafter, by the Establishment of their Manufactures in America. The Consequences to Great Britain as well as to Ireland from such Emigration need not be insisted upon.

We do therefore humbly offer our Opinion that the Keeping the People of this Country at home, and giving them such means of Occupation as will save them from Poverty and Repining is an Object well worthy the Attention of the National Wisdom. To accomplish which Purpose We do not see any likelihood of Success unless from an extension of our Trade; and particularly the Liberty of Importation directly from those Countries to which We have now the liberty of Export.

But before We enter fully upon this Question it is necessary to take a slight Review of the restrictive Laws relative to our Plantation Trade.

And first We beg leave to observe on the original Connection of British and Irish Trade, that the British Act of the 12th of Charles the 2d commonly called the Act of Navigation (justly considered to be the Bulwark of the *British* Commerce) and the Act of the same Year, as also that which passed two Years after, respecting Wool, the staple Commodity of England, consider England and Ireland as one Country and affect both alike.

In the first Irish Parliament which was called after the Restoration, the several Irish Acts of the 14th & 15th Charles 2d granting Hereditary Revenues to the Crown were passed. The Act of Tonnage and Poundage among other Grants imposes a Duty of 5 P. Cent on the Exports of Ireland and in a Proviso directs that the Duties of Custom on the Produce of the Plantations shall be rated at only one Half when the Commodities shall be imported from England. The English Act of the 15th Charles 2d prohibited any Exportations from Ireland to the Plantations, except of Servants, Horses and Victuals, and We cannot but observe how the very Indulgences remaining by this Law must have tended to impoverish and enfeeble this Country, by raising the Price of Provisions and consequently the value of Labour, lessening the Number of our working Cattle, and above all by giving an express legal Sanction to an Emigration of the People to America.

Several Laws were afterwards enacted in England to limit the Plantation Trade; but as the Limitations and Restrictions, so far as they concerned this Kingdom were binding only in the Plantations, some Trade was still carried on directly to Ireland, until the passing of the English Act of the 7th and 8th of William 3d, which prohibited the Importation of any Goods to Ireland from the Plantations on any Pretence, so that even Goods saved out of Ships wrecked on our Shores, cannot be disposed of here. Thus the Plantation Trade both of Export and Import was forbidden to Us and remained so for some years.

The total Restriction of Trade deterred People from settling or continuing in a Country so Stigmatised and Rejected, and accordingly We find the Emigration of the Protestants loudly complained of. And certainly if the Severities exercised in France against the reformed Religion had not driven the persecuted Inhabitants to seek a Refuge even here, We should not now have preserved our Linen Manufacture. The Necessity of supporting the Protestant Interest in Ireland is declared in the English Statute of the 3d and 4th Queen Anne to be the Reason for the partial Repeal of the before mentioned Act of the 15th Charles 2d, and for the Permission then granted by the Statute to Export our Linen to America.

Further Experience taught and it is declared in the British Act of the 4th George 2d that the Total Restriction of our Imports from the Plantations was a great Prejudice to the Trade and Navigation of Great Britain and the Plantations; To remedy which that Law permits us to import Goods of the Plantations except Sugars, Tobacco, Cotton-Wool, Indico, Ginger, Speckle Wood, Dying Woods, Rice, Melasses, Furs, Copper Ore, Pitch, Tar, Turpentine, Masts, Yards and Bowsprits, to which List of excepted Articles are added Coffee, Pimento, Cocoa Nutts, Whale Fins, Raw Silk, Hides and Skins, Pot and Pearl Ashes, by the British Act of the 4th year of His present Majesty.

The policy of the restrictive Laws appears to be founded on the Principle of humbling a Nation hardly cool from Rebellion, and then but slightly joined with England in Affection, Personal Connections or Interest, the People of which were for the most Part of the Popish Persuasion, not much disposed to the Person of the Sovereign, and strongly attached to the abdicated Monarch and his Family. If this was the Principle of those Laws, surely the present Circumstances and Temper of this Country, would justify their Total Repeal; seeing, as your Excellency does, that this loyal Nation is now intimately united with Great Britain, by Affection, by Inter-Marriages among all Ranks, by Commercial Connections, by the Residence of many of our Nobility and Men of Fortune in England, by the extensive Possessions held in this Kingdom by those of Great Britain, and in short, by every public and private Bond. The Form which the Mind of the Nation has taken from these Impressions rises fair to Observation. Your Excellency hath seen the People of this Country exulting in the Successes of Great Britain, dispirited at her Losses, lamenting her Divisions, and fired with Indignation at her Enemies. Nor will the internal Political State of this Country admit of any jealous Apprehensions. The great Increase of the Protestant Religion, the Satisfaction of the Roman Catholicks in the Security of their Property by the late Laws; the ready testifying of their Loyalty in the manner prescribed by those Laws; and the Instant and unequivocal Proofs of that Disposition given by them on a late Alarm in the South; the Zealous and affectionate Attachment of all Degrees to the Person of Our Gracious Sovereign; and the universal Abhorrence of any other Family or Government; all these Considerations shew this Country in a very different Light, from that in which it was viewed by England in the last Century.

Your Excellency will be pleased to observe from the before recited Acts of the 3d and 4th of Queen Anne, and the 4th George 2d, that the

Advancement of the Protestant Interest and of the British Trade were the Motives to those Laws; and We apprehend that the Wisdom of the Legislature is fully justified in the good Effects which have followed. For altho' our Export was confined to Linen and Provisions, and our Import to Rum, Staves and some other Articles of trifling Account; yet the Importance of so much Commerce appears in the Wealth and Population which followed; insomuch that during the last War Ireland supplied near One Hundred Thousand Men to the Fleets and Armies, and maintained Forty Regiments in Pay: And We have not any doubt that the same Policy upon a more extensive Plan, would in like Manner produce more extensive Benefits.

We have stated the Example of past Times in the sole Design of proving Experimentally, that when Trade and Manufacture are so restrained as not to allow of full and free Employment to all the Hands in a Country, the State of that Country must decline, and the Symptoms of that Declension will break out in an Abandonment of the Country, or in the Murmurs of suffering Individuals. It would be highly ungrateful in any Irish Man to repine after the very extensive Privileges granted to our Export Trade by the King and Parliament of Great Britain in the last Session; and when the same Legislature, in a Spirit of Compassion enquires into Our Distresses and encourages us to point out the Means of Relief. But in our Opinion the original Cause still subsists, and the Effects are now especially felt, because many Circumstances have at once concurred to bring forward the natural Consequences at this particular Time.

A confined Trade might suffice while the Country was thinly Inhabited, and while those who were Poor and Discontented with their Condition could swarm to another Country, where they would be received with open Arms, and where their Art and Industry would insure Prosperity. But Ireland is become too Populous for a little Trade, and a Check being given to that little, at a Time when War has shut up the accustomed Asylum of the Distressed, a Lack of Employment has unfortunately happened at the same Time with a Redundancy of People.

The Beneficence of the British Parliament towards this Country having been eminently shewn in the last Session by the before mentioned important extension of our Export Trade, it may justly be asked, why the Limitations of our Trade should now be touched upon as one of the Causes of our present low State? To this We beg leave to observe that the distracted State of America and the Interruption of all commercial Intercourse with her, has hitherto prevented the Operation of those Laws, and that We are of opinion that without a direct Importation from the Colonies and Plantations, those Laws will at any Time have little Effect, because a Return of Money for our Goods cannot be expected; and if the Returns in the Productions of the Country must come thro' Great Britain, the Expence of additional Freight, Insurance, Storage, Port Charges &c. will for ever give such an Advantage to the British Manufacturer as will enable him to sell the finished Manufacture in this Country at a cheaper rate than it can be made for here.

One great Benefit that this Nation would derive from a direct Import Trade would be the Diffusion of Commerce over the Face of the whole

Country. For your Excellency well knows that from the necessity of Importing American Goods from Great Britain, the Chief Ports of Trade are confined to the Eastern side of the Kingdom for the sake of a speedy Communication with Great Britain. Those Ports are Cork, Waterford, Dublin, Newry, Belfast and Londonderry. Whereas on the other side of the Kingdom there is but the single Port of Limerick that can vie in point of Trade with any of the others before-mentioned. The same Necessity has also drawn the greater Part of the Inhabitants of this Kingdom to the Eastern Half thereof. But if our Imports should come directly from the Colonies and Plantations, all Parts of the Kingdom would enjoy a distribution of the Trade, and the Population of the Country would then be equally distributed over it.

Another good Effect would spring from hence in the Security of the Public Revenues. For Population, with Prosperity, produces Civilization and Submission to the Laws, which can hardly be expected in distant Countries thinly Inhabited, where Numbers of excellent Harbours offer the greatest Facility to a contraband Import or Export Trade. The direct Importation would also double the Revenue of Custom on such American Articles as must now be imported from Great Britain.

We have heard many Persons propose the obtaining an Export of Woolen Goods from this Kingdom as the best Means of relieving our Distresses. We cannot pretend to judge precisely what Effect it might have upon the British Trade in those Articles ; But as our Wool is of a Coarse Staple, We do not think that our Manufactures will ever arrive to that degree of Excellence which is to be met with in the fine Manufactures from Wool in England, so that unless in Frizes and coarse Stuffs it does not seem that the Liberty of Export would interfere with Great Britain.

It may not be out of Season to remark that the Duties on our Exports at 5 P. Cent (excepting our Linens which are free) Amount to about £38,000 a Year. A Tax upon our native Commodities was not calculated by a Policy such as prevails in other Countries where the Export is not only free, but in many Instances accompanied with Bounties to enable the Exporter to reap every possible Advantage from foreign Markets. If it were possible to remit the Duties on Exports, and to grant an equivalent Hereditary Revenue to the Crown, the good Effects to our Trade must certainly be felt.

Whatever Advancement this Country shall make in its Trade and Manufactures, the Riches which they produce must ultimately circulate thro' London ; which being the Resort of Amusement and Fashion, the Residence of Art and Science, the Center of Trade and the Seat of Government, will necessarily Attract all Ranks of People to answer the Calls of Business or Pleasure.

*(To be continued.)*

## *Reviews of Books*

*Zoroastrian Civilization from the Earliest Times down to the Downfall of the Last Zoroastrian Empire, 651 A.D.* By MANECKJI NUSSEERANJI DHALLA. (New York: Oxford University Press, 1922.)

THE painting of an effective picture of the life of a bygone people demands the existence of a number of elements. There should be inscriptions in abundance and the evidence of foreign writers to provide historical details, legal and religious documents and ruins of palaces and temples to illustrate social and spiritual conditions, specimens of common objects of use to furnish ideas of the people's workaday life, and undisturbed tombs to indicate with what ceremonies they were ushered out of life. Egypt, Assyria-Babylonia, and Greece have provided all these desiderata, and even then there are gaps in our knowledge of them. Ancient Persia, on the other hand, has left little beyond a few inscriptions, mainly recording events. Only one or two early Iranian sites have been excavated, while the Avesta with its cognate works, which are our main source for the religious and legal sides of the subject, are concerned with the ideal rather than with the practical. It is true that Herodotus, Xenophon, and one or two more Greeks have left us their impressions of the Iran of their day, but the memory of Herodotus at least has been found to be not always reliable.

In spite of this scantiness of trustworthy first-hand material, Mr. Dhalla has courageously undertaken the task of compiling an account of Zoroastrian civilization—though most scholars would say the time is not ripe for one—and he has produced a work which places before us all the knowledge available on the subject. But he has also given us a good deal which is assumed, or which is based on popular legend. Parsee tradition, interpretations of the Avesta and the legends contained in Firdausi's *Shah-nama*,<sup>1</sup> the great 'Epic of Kings', have been laid under contribution, as well as the more valuable sources such as the Avesta. In his introduction the author admits the difficulty of distinguishing between the historical and the legendary in his materials, but he has not always exercised the caution which he says is necessary, and the result is the presence in his book of numerous uncritical statements. An instance is provided in the chapter on 'The Dawn of Civilization in Iran', where Mr. Dhalla in all seriousness puts down the statement (p. 12) that 'the national standard of Iran, which remained its cherished emblem of power and greatness for generations, came into existence under peculiar circumstances'. He then goes on to relate how the blacksmith Kawa, after revolting against and

<sup>1</sup> There is a serious misprint on p. xxvi, where the date of the *Shah-nama* is given as the seventh century A. D. instead of the tenth.

defeating the tyrant Zuhak, stuck his leather apron on to a lance and so converted it into a banner. Now according to Firdausi, Zuhak was a monster who had snakes growing from his shoulders which were fed on human brains, and the reason for the blacksmith's revolt was that his sons had been taken to provide the monster with food. The story of the leather apron is part of this interesting legend, and it can scarcely be regarded as historical fact. The author's prepossessions on the question of the beginnings of Iranian history are indicated by a passage in his introduction. 'It is only', he says, 'when we are nearing the reign of Vishtaspa, Zarathushtra's royal patron, that we find ourselves placed on the clear historical ground.' But no two scholars appear to be agreed about the date of Zarathushtra, or Zoroaster, and Vishtaspa is generally reckoned a monarch of the legendary period. Another disputed matter in which Mr. Dhalla has taken his own view for granted, is the influence of Zoroastrianism on the religion of Judah. The authorities have long debated the question, and, on the whole, the balance of opinion is against our author. A further example of his unquestioning dogmatism is provided by the opening paragraph of his chapter on Achaemenian literature :

The Achaemenians were not engrossed with intellectual pursuits. They produced nothing in the domain of literature during the two hundred years in which they dominated Asia. The Greek writers, from the time of Herodotus downward, who have written on the . . . affairs of the Persians . . . have nothing to say regarding their literary achievements. The Biblical account of Esther mentions the existence of a compilation called the Book of Chronicles. . . . Even this collection has totally perished, probably in the conflagration at Persepolis, thus extinguishing the written record along with the extinction of the Empire.

There is a remarkable series of assumptions here. Because it happens that no specimens of Achaemenian literature have been discovered, we are to understand that none was produced. The possibility that much more might have been destroyed at Persepolis in 331 B. C. than the assumed *Book of Chronicles* does not appear to have been considered. There is no need to point out the exaggeration of the statement that the Achaemenians 'dominated Asia'.

Finally the whole picture of the Zoroastrian period, as the author represents it, is somewhat excessively *couleur de rose* ; but when the necessary note of caution has been sounded one may regard the work as a valuable compilation of the materials dealing with the life of ancient Iran.

REUBEN LEVY.

*Storia dei Romani.* By GAETANO DE SANCTIS. Vol. iv. *La Fondazione dell' Impero.* Parte i. (Torino : Bocca, 1923.)

SIGNOR DE SANCTIS is to be congratulated on the steady progress of his great work, which now provides a brilliantly written and fully documented history of the Roman Republic down to the victory of Pydna. It is easy to see that the present volume, which takes up the story after the close of the Hannibalic war, was written under the lively impression of the events of 1918 and after ; its key-note was already struck in the remarkable articles which appeared in *Atene e Roma* in 1920 under the title of 'Dopo-guerra antica', where the writer's point of view is indicated clearly enough

by the remark that the Romans imposed an indemnity upon Carthage for the purposes of reparation, 'but did not consider it in their interest to prevent her from paying it by destroying her commerce and confiscating her mercantile marine'. At this point, however, 'the spirit of Militarism and Imperialism intervened and fixed the destiny of Rome and of humanity'; and the present volume sets forth with dispassionate but damning precision the transformation of Roman policy which resulted, and the failure of the Roman people to solve the great problems, constitutional, social, and international, which were presented to it in the hour of victory. Rome's conduct of affairs in relation to the Greek east was, in Signor de Sanctis's view, neither an affair of 'sentimental politics' nor of calculated hypocrisy; nor again does he think—and in this he agrees in the main with Dr. Tenney Frank—that 'mercantilism' was of much importance in determining Roman policy in the first half of the second century B.C. But we are led to see how the 'fatal contradiction in which was involved from the first the eastern policy of Rome, which aimed at combining the freedom of the Greeks with the hegemony of Rome', issued inevitably in conquest.

Either the Greeks might unresistingly permit the disintegrating forces favoured by Rome to do their work, and then the Greek governments would quickly become incapable of accomplishing their task and their disintegration would reach such a point that—as was afterwards the case in Syria and Egypt—the Roman military occupation would end by becoming a necessity and even a blessing for the protected peoples themselves: or one or more states might be strong enough to react against disintegration and to collect the national energies in order to live with dignity—and then there would of necessity follow, sooner or later, war to the bitter end, and once more, as the necessary effect of a victory which made it impossible to set them up again as living states after they had been laid low, a military occupation.

In the west the failure of Rome to grasp the issues of the time was almost more profound: for here there was a great civilizing task which called for accomplishment, 'the fundamental problem of the after-war'; but the Romans never caught a glimpse of it. The barbarous west did not possess the glittering attractions of the east; and 'the weariness of the people which had no taste for wars of which the absolute necessity could not be proved found unexpected allies in the militarism and imperialism which wished to exploit their valour for other ends' (p. 409).

Signor de Sanctis's handling of the facts is masterly, and his discussions of the difficulties which arise in the narrative are informed by a sound criticism of the evidence, and very seldom provoke dissent from the author's conclusions. It may be doubted whether he is right in taking 'caput Caici' to mean the *mouth* of the Caicus in Liv. 37. 18 and 37: it should rather be identified with the *πηγαὶ Καίκου* of the Pergamene inscriptions. De Sanctis also seems disinclined (wrongly, as we think) to accept M. Holleaux's convincing explanation of the inscription of 189 B.C. relating to Heraclea ad Latmum as a letter from the senate and magistrates of Rome.

The concluding chapter of the volume is devoted to internal affairs and gives an excellent account of the working of the senatorial oligarchy: it was probably written too early to take full account of Dr. Münzer's work on the groupings of the great families at Rome (though this is referred to on

p. 174). It may be noted that Signor de Sanctis maintains the difficult view that the 'Twelve Colonies' which enjoyed a limited form of Latin right were those which refused aid to Rome in the Hannibalic war (p. 568); and that he declines to draw from the *Lex Acilia Repetundarum* (l. 78) the inference commonly accepted that office-holders in Latin towns acquired the Roman *civitas*. The changes which took place in the Roman judicial system in the second century B.C. are somewhat briefly dealt with: but they may receive fuller treatment in the next volume, to which all students of Roman history will look forward with deep interest.

H. STUART JONES.

*Coins of the Roman Empire in the British Museum.* Vol. i. *Augustus to Vitellius*. With an introduction by HAROLD MATTINGLY. (London: Milford, 1923.)

THIS is far the most important book on Roman imperial coins that has come out for many a year, but it is not merely (as its title might lead the reader to suspect) a catalogue of those coins which chance to be in the cabinet of the British Museum. Descriptions, and in many cases photographs, have been added of all the more important pieces of which our national collection does not happen to possess a specimen. Hence this volume is not so much a catalogue as a general manual of the coinage of the early empire. And Mr. Mattingly's preface of 230 pages gives a very competent account of all the problems of the Roman mints of the first century, which can be found in no other place. For the information which it summarizes is scattered over hundreds of short monographs in five languages and of articles in the numismatic magazines of six countries. It has never been collected before by a skilled hand, and made available for the collector and the student. And we must add that Mr. Mattingly is not a mere editor of other men's work: there is a very great amount of original research of his own contained in this book.

It is with a sigh, we fancy, that all scientific collectors will for the future have to put aside the simple arrangement of their coins under the names of emperors, on the system of Cohen's *Monnaies de l'Empire Romain*. Mr. Mattingly demonstrates that periods are more important than the names and portraits of sovereigns, and that it is illogical, for example, to collect under the name of Augustus coins struck long after his death by Tiberius, Caligula, Claudius, or the insurgents of the troublous year A. D. 68-9. 'Consecrationary' coins, and many others also, must be arranged among the emissions of the prince who issued them, not of the prince whom they commemorate. In the case of people like Agrippa, Germanicus, Agrippina senior, and Antonia, we shall have to split up series which we once kept together, and place them in sections among the issues of their greater relatives. And the early coins of Nero will have to be classed under Claudius, just as the last commemorative coins of Claudius must go under Nero. It is logical and inevitable; now that the sequence of issues has been worked out with accuracy, we must bow to authority.

But rearrangement will not only affect such series as those just named.

Inside the coinage of each actually regnant emperor, Mr. Mattingly enables us to arrange the money of his various mints in separate sections. This is a most complicated and difficult piece of work, never essayed before on such a scale; the first pioneer in the line of inquiry, Count de Salis, wrote nothing argumentative, but merely rearranged the Museum collection in tentative local divisions. His conclusions were very rational, wonderfully so considering that he had only his own numismatic instinct to guide him. But since he wrote nothing, the results of his classification remained practically unknown, and museums and collectors continued to keep their coins arranged merely under sovereigns' names and date-years, when the latter were available.

Mr. Mattingly's reconstruction of the sections of the early Roman imperial coinage under mints of issue, produces some surprising results. The most surprising of them is the discovery that all the later silver and gold money of Augustus, and the whole of that of Tiberius, was struck outside Rome. The Roman mint for gold and silver was shut down after 12 B. C., and not reopened till the accession of Caligula in 37 A. D. On inspection of the actual coins, a political reason for this astonishing fact becomes evident. The Roman silver and gold of Augustus's earlier days was struck by old monetary magistrates, the '*triumviri auro, argento, aere, flando feriundo*'. They put their own names on the coinage, and struck *denarii* imitating those of the republic, often without any head of the emperor, though his name in some form or other generally appeared. By A. D. 12 Augustus evidently opined that it was unnecessary to continue this republican farce any longer, and resolved that all the coinage in the valuable metals should be frankly imperial. Instead of ordering the Roman mint to change its style and types, he stopped its issues save in bronze and copper. On the fractional currency the senate, as monetary authority, was allowed to go on with its old inscriptions and devices, ignoring the emperor's predominance, and making the large S. C. and the names of its *triumvirs* the prominent feature of the *sesterc* and *as*. This is why large copper coins of Augustus of the mint of Rome bearing his portrait are so surprisingly rare: there was only one short tentative issue of them—pieces after which the collector sighs in vain—struck in 7 B. C.

But silver and gold were the important part of the circulating medium, and these Augustus after 12 B. C. issued in enormous bulk from provincial mints outside Rome. The coins are frankly imperial in character, and always bear the prince's bust and titles. The provincial mints were already in existence, and had worked for Julius Caesar, Mark Antony, and other *imperators* as a non-senatorial institution. Now Augustus made them the only issuing offices for the main currency of the empire. Lugdunum in Gaul was by far the most important, a point which (as Mr. Mattingly observes) had struck Strabo (iv. 3. 2). There was another pair of mints (Ephesus and Pergamum ?) in Asia Minor, and three (Emerita, Caesaraugusta (Saragossa), and a third not certainly identifiable) in Spain. The others were insignificant. Tiberius, with his usual rigid obedience to the precedents set by Augustus, continued to mint all his gold and silver outside Rome, and mainly at Lugdunum. By the time that he was dead the old memories of the republican coinage were so obsolete, that when

Caligula restored the mint of the capital there was no recrudescence towards the ancient non-imperial types.

But, as Mr. Mattingly shows us, there was, many years later, a sudden outburst of gold and silver, showing both on obverse and on reverse a deliberate revival of the old republican tradition. These are the coins of A. D. 68-9, struck during the civil wars which accompanied the fall of Nero. We must not—as is judiciously remarked on p. clxxxix—call this period ‘the Interregnum’, for strictly speaking there was no interregnum; the senate recognized Galba the moment that Nero was dead. But during the months from March to October insurrectionary coinages were going on in several quarters: Clodius Macer was minting a strange series in Africa, Vindex in Gaul, and Galba in Spain. And all three harked back to the republic, and produced many coins without an imperial portrait, showing heads of Victory, of the Genius of the Roman People, Liberty, Hispania, Vulcan, Vesta, Minerva, &c. The reverses are often strange and interesting, showing outbursts of provincial patriotism. But the queerest set of abnormal coins of this kind is the latest, that struck by Civilis and the rebel Gauls while they were up in arms against the Roman domination, whatever form it might take, in A. D. 68-9. It is surprising to find the provincial insurgent issuing coins with the Latin inscription *LIBERTAS RESTITUTA*: but much more surprising to find Civilis’s capture of Vetera, and the Roman legion that garrisoned it, commemorated by a trophy erected over *LEGIO XV PRIMIGENIA*, whose spoils a Gallic Nike is arranging on a tree-trunk. It is sad to have to acknowledge that this last very rare piece is not in the Museum, though it was once in an English collection.

Altogether this is a book of entrancing interest, full of new discoveries, but leaving for the student of the future many of those unsolved problems which are the delight of the scientific numismatist. The Museum is to be congratulated in having found in Mr. Mattingly a worthy successor to its great cataloguers of the elder generation.

C. OMAN.

*The Old English Herbals.* By ELEANOUR SINCLAIR ROHDE. (London: Longmans, 1922.)

A COMPREHENSIVE book on herbals has long been needed, but we fear that horticulturists and historians will be disappointed in this. We can imagine the horticulturist saying that it is a book which may interest historians with a turn for gardening, and historians dismissing it as one which will appeal to gardeners who have a smattering of history. It is, in fact, amateurish, good enough to make the reader wish it had been much better. The author is well qualified by enthusiasm, and the publishers have produced finely, even lavishly, and illustrated delightfully. The book includes preface and full table of contents, seven chapters dealing with the subject chronologically from Anglo-Saxon herbals to seventeenth-century still-room books, large bibliographies, and an index.

One does not wish to criticize unduly a certain simple-mindedness which is apparent, notably in the first two chapters, nor a gossiping habit which tends to pleasant, if desultory, quotation; but we certainly are

told some rather obvious things, and told them more than once: 'our Saxon ancestors may have been a rude and hardy race but they did not live in an age of materialism as we do', is a typical and rather discouraging passage. Then there is a good deal of small inaccuracy: the *florculos* which King Alfred gathered into a book (p. 7) were, we fear, only flowers of literature; the quotations from (we presume) the 1526 edition of the *Grete Herball* contain a number of slight mis-transcriptions; the Latinity of a prayer on p. 38 seems odd, and makes us wish that some reference to its source had enabled us to check it: and the fact that William Turner belonged to Pembroke Hall hardly justifies a foot-note (inaccurate) about its foundation two hundred years earlier (p. 75).

These and the like (a number might be cited) are small blemishes: but they encourage a distrust which unfortunately increases when we come to the more important part—the appendixes: especially that dealing with the manuscript herbals. Here we are given sometimes an *incipit*, sometimes a title, sometimes a description; on no principle that we can recognize, and often with no distinction, typographical or other, to show which is which. The arrangement is roughly by centuries, but within that (and for the fourteenth century alone there are over sixty entries) there is no classification that we could discover; neither by collection, nor by date, nor by author, nor alphabetical: it was perhaps for this reason that our hunt for Trevisa's translation of *Bartholomaeus Anglicus* (mentioned on p. 46) was unsuccessful. There are haphazard scraps of information, too, which are merely irritating: who was John Holyngborne to whom one manuscript 'once belonged'? and are we to understand from his appearance that in all the instances where no former owner is mentioned none is known? We find it hard to believe this. We have no space to mention verbal errors in the bibliography, but a number were noted and more suspected. The index resembles the bibliography in lack of method: why are some plants, not to mention place-names, included in it and a larger number omitted? and what is the good of numerous entries such as 'Sceaf, 36'?

We do not say that work of this kind cannot be used, but it does seem a pity, in an age which above everything demands reliable tools, to waste much energy and fail for lack of common sense and technique. Moreover, the publication of a book that is not good often bars for years the production of a better.

HILARY JENKINSON.

*Chapters of the Augustinian Canons.* Edited by the Rev. H. E. SALTER.  
(Canterbury and York Society, Part lxx. 1922.)

THIS volume is a gift to the Canterbury and York Society from the editor, who has also presented it to the Oxford Historical Society. Mr. Salter has found and printed official records of 54 chapters of the Augustinian canons in England. This is a remarkable achievement. Not a single official record of the acts of any provincial chapter of any of the four Mendicant Orders in England has yet been discovered.

The Lateran Council of 1215 decreed that all orders, which had not hitherto held general chapters, should henceforth hold triennial chapters

in every kingdom or province. The first chapter of the Augustinian Order in the provinces of Canterbury and York met at Leicester in 1217: from 1223 to 1340 separate chapters were held for the two provinces; from 1341 onwards the two provinces were again united, in accordance with the constitutions of Pope Benedict XII.

The acts of some seventeen chapters in the northern province between 1220 and 1302 are printed from a roll in the British Museum (Cott. Roll, xiii. 3), but of this document Mr. Salter gives no detailed description. Very few records of the chapters in the southern province before 1325 are extant; the reason is that the chapter of 1325 revoked the decrees of all previous chapters, and was henceforth regarded for practical purposes as the first chapter. The chief sources for the chapters from 1325 onwards, both for the province of Canterbury and for the two provinces together, are the following manuscripts (all in book form): Add. 38665 in the British Museum, written soon after 1350 in the diocese of Coventry and Lichfield; Cott. Vesp. D. 1, written c. 1383 with some later additions, and belonging to some house in Leicestershire, Northamptonshire, or Lincolnshire; Tanner 196, in the Bodleian, belonging to the Priory of Launceston, and written about 1450; Wood empt. 21, in the Bodleian, written about 1518 in one of the three counties mentioned above;<sup>1</sup> Rawlinson Statutes 34 (Bodl. 15889), written at Oseney after 1460. All these contain copies of the acts of a series of chapters, but the copyists sometimes omitted entries which were not of interest for the locality in or for which they were writing.

Several manuscripts contain records of isolated chapters, and one of these, Exchequer K. R. Eccles. Doc. 1/10, in the Public Record Office, seems to be the original report of the secretary of the chapter at Leicester in 1509. Mr. Salter, however, does not discuss this point.

Some of the documents here printed are of great interest as showing exactly how a chapter was conducted. The most striking characteristic was the concentration of power in the hands of a committee of diffinitors: they were the legislative body and drew up any statutes that were required, the rest of the chapter simply accepting their decisions without discussion. As the diffinitors were not chosen until the Sunday and had to finish their work by Tuesday evening, their work could not be thorough, and it is not surprising that their decisions were treated with contempt: 'statuta', say the canons of Barnwell, 'de facili eduntur et eadem facilitate respuuntur.' 'It is easy', Mr. Salter remarks, 'to see why members were eager to escape these chapters. The presidents, diffinitors, and visitors had something to do, but the rest of the members had no work but to hear three sermons and attend three masses.' The number of diffinitors, generally six in the fourteenth century, was increased to twelve in the fifteenth, but the long lists of absentees shows that the reform was not effective in attracting heads of houses. The absentees were fined, but the fines could not be collected. The inability of the chapter to enforce its regulations comes out clearly in the history of the attempts to establish

<sup>1</sup> Mr. Salter is wrong in stating that this manuscript 'mentions only the visitors that were appointed for those counties' (p. xl); in 1341 it mentions the visitors for the whole country except the dioceses of Worcester, Hereford, and St. Davids (p. 52).

a college for Augustinian canons and to send students to the university : on this subject much fresh material is contained in this volume.

The Augustinian houses were subject to visitation both by their own members and by the bishops. At each chapter the country was divided up into districts, generally ten, and two visitors appointed for each district, who reported to the next chapter. These visitations were actually carried out, and the visitors sometimes made use of the disclosures made in episcopal visitations (e. g. pp. 89, 113). It is clear that episcopal visitations, though they touched fewer houses, were much more thorough and effective than those carried out by members of the order. Compare, e. g. the revelations as to the condition of Huntingdon priory, given in Bishop Alnwick's visitation in 1439<sup>1</sup> with the meagre report of the Augustinian visitors in 1443, ' that three canons of this monastery are vagabonds ' (p. 90). The contrast induces doubts about the efficacy of visitation in orders which were exempt from episcopal control.

Among miscellaneous matters of interest one may notice the reference to the Black Death which emptied the priories of Ivychurch and Sandleford (p. 58), the objection of the canons to manual labour (p. 114), the account of the canon of Stoneley who neglected church services to practise as a doctor (p. 166), the preaching of an English sermon before the university of Oxford (p. 85), the prohibition to use ' calipodiis siue semisotularibus, anglice slyppars ' (p. 125). The word ' corcet ' on p. 58, which seems to have troubled Mr. Salter, becomes quite clear if the second *c* is turned into *s* (the scribe of Cott. Vesp. D. 1 frequently used *c* for *s*). An index of subjects would have been welcome. A few subjects are inserted, but not very adequately indexed : why should ' diffinitors ' be followed only by a single reference ? *Passim* would have been less misleading. But this is a small point, and the admirable introduction serves to some extent as a guide to the contents.

The documents are edited with accuracy but without pedantry, and contain much that is of value to the history not only of the Augustinian canons but of the religious orders in general. It may be added that Mr. Salter with his usual generosity has indicated in a two-page preface for the benefit of other students the manuscript sources available for the history of the chapters of the Benedictine and other monks in England.

A. G. LITTLE.

*Bracton de Legibus et Consuetudinibus Angliae*. Edited by GEORGE E. WOODBINE. Vol. ii. (Newhaven : Yale University Press, 1922.)

THE first portion of the text of the new Bracton, about a third of the whole, appears seven years after the preliminary volume which was noticed in this Review in October 1915.<sup>2</sup> We may suppose that this long delay has not been caused entirely by the painful labour of reconstituting the *De Legibus* as Bracton left it by freeing it from the later accretions and textual errors of manuscripts and printed editions. But the task was so

<sup>1</sup> *Visitations of Religious Houses in the Diocese of Lincoln* (Cant. and York Soc.), vol. ii, part i, pp. 148-55.

<sup>2</sup> *Ante*, xxx. 716.

formidable a one in view of the number and complex relations of the manuscripts that it could not safely be hurried. After all is done, the editor is unable to assure us that we have always the very words of the great lawyer before us. For, *pace* Professor Maitland,<sup>1</sup> none even of the best manuscripts is less than two steps from the author's holograph. Not only no single manuscript, but no one group or line of manuscripts, of which three or four are distinguishable, 'gives consistently Bracton's own words'. Bracton himself was partly responsible for this by his revisions of a work which was long in hand, and the frequent mixture of different versions in the same manuscript has further complicated the problem.

Although even a really scientific edition of the *De Legibus* must be to some extent eclectic, there is no reason to suppose that any serious veil is interposed between us and its author. It is not of vital moment whether Bracton wrote of Christ being sent 'ad reparandum humanum genus' or 'ad recuperandum', though some might question the editor's preference of the latter. On the other hand, the ejection from the text of much matter included in the earlier printed editions which can be proved to be no part of Bracton's own work, and the bracketing of other matter which is merely doubtful, remove a serious stumbling-block to its study. Not a few later additions have long ago been stigmatized, as, for instance, the restriction of the protection of the villein's 'waynage' to the serfs on the ancient demesne of the Crown,<sup>2</sup> but the reader of the older editions cannot be expected to know this in every case. Professor Woodbine's reasons for acceptance or rejection of the various *addiciones* are fully given in a section of his first volume. The famous 'addicio de cartis' on p. 34, in which the ultimate authority of the baronial council over the king is asserted, is placed within brackets. 'The authority on which it rests is far too insufficient to allow us to regard Bracton as the author of it.'

Although the claim of the anonymous editor of the *editio princeps* of 1569, which was followed with but little criticism by Sir Travers Twiss, to have consulted many manuscripts is substantially confirmed, his readings are often unhappy, and he is apt to untie knots by silent conjectures of his own. As an illustration we may take the passage in fo. 9 b on the soldering together of different metals 'per applumbaturam vel ferriliminationem, secundum quod infra legitur, et ibi dicitur quae pars alteri debet accrescere'. Here *ferriliminationem* (if not a printer's error) is a corrupt reading in some manuscript for *ferruminationem*, while *infra* seems to be an unfortunate attempt to make sense of the *iniuste*, *iniustum*, or *iustitia* to which three manuscripts have corrupted in *Institutis*. *Dicitur* seems almost necessary, but is apparently not justified by good manuscript authority, for Professor Woodbine omits it.

<sup>1</sup> It is curious that the Digby MS. which Maitland thought to have been copied from Bracton's own manuscript contains so unintelligent a reading as *doannagium* for *waynagium* (fo. 6).

<sup>2</sup> The exact opposite was laid down in the second reissue of Magna Carta (1217) in a modification of the amercement clause of 1215.

The new edition is not based upon a complete collation of more than eleven of the forty-six accessible manuscripts of Bracton's treatise. More than that was practically impossible and hardly needed, but reference has often been made to others at critical points, and for the ascertainment of the pedigree of the manuscripts a number of passages, carefully chosen, were collated in nearly all. The full results of even this limited collation could not be given at the foot of the text without swelling the work to intolerable dimensions. This has to be kept in mind because an agreement of the same two or three manuscripts on a series of readings relegated to the notes does not usually mean that they stand alone in this respect, but that they typify an agreement of more than one line or tradition.

In regard to orthography, the editor, while expressing a pious opinion in favour of a uniform standard, elects to follow the system of normalization adopted by his predecessors, except that he prefers 'i' to 'j'. The spelling of the manuscripts varies so much that some kind of normalization was no doubt inevitable, but as he boggled at 'j', it hardly seems consistent to retain the non-initial 'v' and the 'ae' for 'e'. However, few editors of medieval texts can afford to throw stones in this matter.

The retention in the main of the orthography of the older editions contrasts sharply with the scrapping of their division into books and chapters. There is manuscript authority of course for such a division, though not exactly the division adopted by the first editor, but Professor Woodbine's collation has shown that 'there is no one scheme of division which the manuscripts as a whole follow', and he comes to the conclusion that Bracton's own scheme of division was not by books but by titles and paragraphs. Here again he has regretfully to run counter to the opinion of Maitland.

Students of medieval law and society will look forward eagerly to the completion of this, the first satisfactory edition of Bracton's great treatise. The editor's commentary on the subject-matter is reserved until the whole text is published.

JAMES TAIT.

*City Government of Winchester from the Records of the Fourteenth and Fifteenth Centuries.* By J. S. FURLEY, M.A. (Oxford: Clarendon Press, 1923.)

THIS is a welcome addition to the monographs on English municipal government in the middle ages which have been inspired by the researches of Gross, Miss Bateson, and Maitland. The author writes modestly of amateur work and signs of inexperience are not altogether wanting in his book, but for the most part he is well equipped for his task, and goes straight to the things that matter most. The variety of medieval municipal usage is properly emphasized, but the features of the Winchester constitution which conformed to the normal type are also clearly brought out. With the aid of the 'Usages of the City of Winchester', which he prints in an appendix from a copy at Winchester College, which was unknown to Gross, a clear picture is drawn of the weaving industry in the city, the magnitude of which may come as a surprise to some readers. The documents photographed (not all effectively) and transcribed in the

appendix also include the two charters of Henry II and a valuable bailiffs' account for 1354-5. We regret that it was not possible to print the three earliest rolls of the city court belonging to the reigns of Henry III and Edward I.

Winchester had a mayor by 1200, and was thus one of the first English towns to set up the new office which expressed and fostered the growing independence and municipal spirit of the greater towns. It is easy to exaggerate the extent of this independence, and Mr. Furley has failed to note that in two important respects Winchester lagged far behind other towns of its importance. The two pillars of self-government in the English town of the middle ages were the permanent fee farm rent paid direct to the exchequer and the return of writs directly, thus excluding the sheriff from the town in matters of finance and justice. Most great towns, and not a few lesser ones, had secured these privileges by 1260. Winchester, on the other hand, though it was allowed to pay its own farm from 1208, held the privilege only 'during pleasure', and it was not until 1327 that it obtained a grant of the farm in fee together with the right of return of writs. It is rather misleading, therefore, to describe the charter of 1227 as 'marking the date when the franchise was practically complete', and to include the charter of Edward III among others which 'add comparatively little' (pp. 21, 32). Nor does Mr. Furley realize that the charter of 1227 itself added nothing to John's charter of 1215 (for which he refers only to Milner instead of the printed *Rotuli Chartarum*, or the copy in the second volume of Gross's *Gild Merchant*).

The mayor's body of advisers and assistants, the sworn twenty-four, seem first to appear in the 'Usages' at the end of the thirteenth century, but as an established institution. Mr. Furley is no doubt justified in objecting to its being called a town council, the authority of the modern town council then residing in the Burghmote or Common Convocation, which, in the fifteenth century at least, was so small a body that it is concluded that 'the "Commonalty" was in fact though not in name coextensive with the Merchant Gild'. The first charter had been granted by Henry II to the citizens of Winchester 'of the merchant gild'. Yet the gild, as a gild, played a far less prominent part than it did in towns like Leicester and Southampton. At Winchester the officials of the gild did not figure largely in municipal life,<sup>1</sup> and the gild funds were paid over to the city. The explanation may perhaps be found in a larger proportion of traders in the community.

At any rate there is no evidence here of any such conflict between gild and non-gild elements as we meet with in Southampton. Whether it is really 'not unsafe to believe that the merchant gild was in existence at the time of the Conquest and in the reign of Edward the Confessor', may perhaps be doubted.

Winchester had ward aldermen, six in number, after the London fashion, though without judicial authority until a comparatively late date, but the name aldermen was also given to some, if not all, of the officers who collected all regular charges except murage. They were eight in number, and acted in pairs (p. 54). But for the fact that they

<sup>1</sup> For the possibility that its stewards acted as city rate collectors, see below.

are said to have received the payments made by the *fodarii*, who also were eight in number, and arranged in pairs, and are believed by Mr. Furley to be the stewards of the merchant gild who collected the contributions of its four houses towards the city funds at the annual drinking (p. 106), it might be suggested that there was only one body under different names, and that they were primarily gild officers. As the name 'laghmen', which is also applied to the collectors, may not be a mere alternative for alderman, but each alderman may have been associated with a 'laghman', the four aldermen and four ferthingmen of the Barnstaple gild might be a parallel case. Aldermen who were not ward officers were certainly usually gild officials. A rather obscure reference to 'receipts from four houses of Laghmen in a mayor's account of 2 Ric. II' seems to furnish another link (p. 172 n.). The division of the gild into houses is unusual, and it may be significant that the other known case was at Andover, in the same county, where the number of houses was two. Where there were ward aldermen, as was the case at Winchester, they had the police and military authority, which belonged in other boroughs to ward constables. They were, however, supervised here by two constables, who corresponded apparently to the two high constables required in each hundred by the Statute of Winchester (1285). The 'murage' or tax for the repair of the walls of the city is very interesting at Winchester because it was not normally collected as a toll on goods coming into the town, but as a money payment from each ward for a number of weeks fixed by the community in Burghmote and collected by the ward aldermen. Mr. Furley seems justified in tracing this to commutation of an older system of personal service. The arrangement seems to have a possible bearing upon the old controversy as to the quarter in which responsibility for the upkeep of borough walls lay.

An excellent record for accuracy is oddly disturbed by the slip on p. 125 which describes a well-known writ of Henry III as directing that 'four burgesses and the provost should attend (the court of the itinerant justices) from each of the ancient English townships'. *Leuca*, 'league', which is said to have probably denoted 'mile' (p. 86), was definitely a mile and a half in the eleventh century at all events. Mr. Furley excusably hesitated over the meaning of the expression in the 'Usages' (in the case of fraudulent bakers), *porter le juwyse de la ville*, but in a subsequent note correctly divined that it means 'bear the punishment (of the pillory) which the town has power to inflict'. The word 'juwyse' (*iudicium*), though now obsolete, is given in the *New English Dictionary*.

JAMES TAIT.

*British Flags. Their Early History and their Development at Sea; with an Account of the Origin of the Flag as a National Device.* By W. C. PERRIN. (Cambridge: University Press, 1922.)

It was not until the middle of the eighteenth century that the first British naval uniform was adopted; and even then it was restricted in its use to officers. Such delay ceases to cause surprise when it is remembered that in naval warfare the unit is not the man, but the ship. From early times

it was necessary for ships to wear uniform, and a ship's uniform for centuries past has taken the shape of flags. Mr. Perrin has supplied the need for a comprehensive work dealing with what a sixteenth-century writer would have called a vessel's 'apparel and habit'; and his work has been excellently done. He has shirked none of the difficulties of his task, and has by the most assiduous research solved almost all its riddles. He has derived considerable assistance from the unique collection of manuscripts under his own charge; and it may well be doubted whether any one except the admiralty librarian could have undertaken the task. He has set himself to discover what 'uniform' the ships of this country wore from the hour when Edward III agreed with the court of Flanders that his own arms should be converted into a 'flag' as a distinguishing mark for all ships empowered by him to visit the Low Countries. Mr. Perrin has pushed his inquiry back in an attempt to discover the origin of the flag as we know it to-day; and in his first chapter, perhaps the most ambitious in the volume, has made out a very strong case to support the view that it was the maritime powers not of antiquity, but of the middle ages—Genoa and Venice—who devised the earliest fashions in the mode which all ships follow to-day, proclaiming further his belief that the enormous increase of maritime traffic occasioned by the Crusades helped to popularize what Genoa and Venice devised.

Employed at first to mark the position of the commander-in-chief, to distinguish the lord high admiral from a 'general-at-sea', and for innumerable uses of a similar kind, flags gained at length a new significance, when they enabled flag-ships and commanders to speak to the vessels composing their fleets. This was a slow process, as Mr. Perrin shows. In the fifteenth century almost the only message a fleet commander could send was, 'Come near and listen to me'. What obstacles there were to freedom of speech and how they were overcome Mr. Perrin shows with welcome lucidity; closing his account with the quiet demand of the Board of Trade in 1855 for a flag-system which should permit of 20,000 messages and 50,000 ship-names being signalled without using more than three flags at a time.

There is still urgent need for a book dealing with British battle at sea from the point of view of the signalling systems in vogue at different epochs. For such a study Mr. Perrin's book, with its careful references to documents, prepares the way; it will therefore prove invaluable to all engaged in the serious study of naval history. But because its encyclopaedic fund of information is not arranged as in a book of reference, but is set down in attractive and readable form, it is much to be hoped that the book will find a wider public than that supplied by naval and nautical specialists. There are many flags in this profusely illustrated volume familiar enough to all British-born for their occasional use on festive occasions. Their very multiplicity is to most people perplexing; but their history, as unfolded by Mr. Perrin, makes their significance as easy as an A.B.C., and that the only alphabet upon which an intelligent appreciation of naval history can be suitably built up. GEOFFREY CALLENDER.

*The Planters of Colonial Virginia.* By THOMAS J. WERTENBAKER. (Princeton : University Press, 1922.)

THERE is no doubt that this short and well-written book of 161 pages of text and 86 pages of notes and documents, is the most important contribution to early Virginian history since the works of Dr. P. A. Bruce. The elder historian established the fact that negro slavery, introduced into Virginia as early as 1619, did not become an important economic and social factor in the colony until the eighteenth century. But mid-seventeenth-century Virginia, as described by Dr. Bruce, was a colony of great plantations, owned by a territorial aristocracy, differing mainly from the Virginia of a century later in being based on indented whites rather than on slave labour. Professor Wertenbaker emphatically dissents from this view. Seventeenth-century Virginia, as he describes it, was a community of independent yeomen farmers, owning relatively small plantations, to the labour force of which both white bond servants and negro slaves made a relatively insignificant contribution. The 'golden age' of the Virginia yeoman was that of the Protectorate, when a world market for Virginia tobacco enabled the bond servants to pay off their debts, purchase land, and acquire a competence. The familiar story of 'cavalier' Virginia, her loyalty to the house of Stuart, her proclamation of Charles II in 1649, and her forced submission to the parliamentary commission, is 'misleading or entirely false' (p. 111). Virginia 'was developing slowly but surely into an industrious, democratic, Anglo-Saxon community', an earlier Pennsylvania. Then the acts of trade and navigation, by stopping free trade in tobacco, depressed the price lower than the cost of production, ruined the yeomen, and brought a period of poverty and discontent that flared up in Bacon's rebellion of 1675. Towards the close of the century, the tobacco trade adjusted itself to the new restrictions; but the price continued so low, that the planters were able to make profits only by securing cheaper labour. The only reason that more slaves were not imported in the seventeenth century was that slaves were difficult to obtain until the close of the third Dutch war (p. 125). After the treaty of Utrecht slaves were imported in large numbers, the import duty being laid with a prudent motive to check over-production, rather than a social or humanitarian intent (p. 129). The new labour system 'practically destroyed' the Virginia yeomanry, and created the large plantations. Such yeomen as did not rise to the slave-owning class emigrated to Maryland, Pennsylvania, and North Carolina.

Such, in brief, is the thesis of Mr. Wertenbaker. Whilst not so astonishing to historians as to readers of the historical romances of Thackeray and Mary Johnston, it is, on the whole, an original and provocative theory, sustained in many parts by new documentary evidence. The author has, in our opinion, successfully made some points against the late George Louis Beer, who, in his generous desire to defend the universally berated acts of trade, certainly underestimated their effect on the tobacco colonies after the Restoration. We are somewhat doubtful, however, about the small farming system that he postulates for the seventeenth century. His conclusion, on p. 45, that 'the average Virginia plantation must have

been comparatively small in extent' is reached largely by deductive reasoning. There is no satisfactory explanation of how a freedman became a landowner, without the gift of fifty acres that was statutory in Maryland. The land transfers 'taken at random from the books' (p. 46) average less than 200 acres each; but whether these were large plantations disintegrating, or small ones being engrossed, or simple transfers among equals, we have no means of telling. And can 200 acres be properly called a small farm? It really depends on the amount of tillage in the piece transferred, and of that we have no knowledge. Moreover, the author, in his text, has made rather wild work of the quitrent rolls of 1704, which he prints in the appendix. 'In Middlesex county there is but one plantation of more than 2,500 acres' (p. 53). True; but 22 out of the total 80 are of 500 acres or over. The largest holding in Charles City county is 8,000, not 3,150 acres; and the average holding in Nansemond county is 312, not 212 acres. The 'northern neck' of Virginia, notoriously the section of the largest plantations, is not found in the rent rolls. There is nothing unreasonable in the author's attractive theory of a yeoman Virginia; but much more direct evidence will be required to establish it.

The foot-notes, although not numbered consecutively for the whole book, are all placed after the text; an annoying practice to which publishers are unfortunately becoming addicted. S. E. MORISON.

*Louise Élisabeth d'Orléans, Reine d'Espagne (1709-1742).* Par LE COMTE DE PIMODAN. (Paris: Plon, 1922.)

AMONG the startling events in the diplomatic history of the eighteenth century a prominent place is held by the sudden reconciliation in 1721 of the Regent Orleans with Philip V of Spain, the rival claimant to the still open succession to the French throne. This reconciliation, which followed closely upon the action of France in forcing Philip and Elizabeth Farnese to dismiss Alberoni and to accept the terms dictated to Spain by the Quadruple Alliance, was cemented by a marriage contract between Philip's eldest son, Don Luis, and Louise Elisabeth, the fifth daughter of the regent, and by the betrothal of the Infanta Maria Anna, the three-year-old daughter of Philip by his second marriage, to Louis XV. According to the comte de Pimodan the marriage with the regent's daughter was rather endured than desired by the Spanish rulers, and was only consented to as a necessary price for the prospective elevation of their daughter to share the throne of France. Orleans, on the other hand, is said to have been influenced by a desire to avert a possible marriage of the heir to Spain with one of the Austrian archduchesses; but it is difficult to believe that there was any substantial danger of such an alliance in 1721, when the old quarrel between Philip V and Charles VI was still unsettled and was further envenomed by disputes as to the claims of Don Carlos to the succession in Parma and Tuscany.

Whatever the motives, the 'grand et incroyable' marriage, as Saint-Simon calls it, was arranged on 16 November 1721, and two days later the destined queen of Spain set out with due pomp on her journey to the frontier. She had barely completed her twelfth year when on 10 January

1722 she was formally exchanged for the still younger infanta on the Isle of Pheasants in the Bidassoa. Both princesses were to part with their compatriots on the frontier, and it was only as a concession to the tender years of the infanta that one Spanish nurse was allowed to accompany her to Paris. Louise Elisabeth had to accept Spanish attendants and Spanish customs on her journey to Lerma, where on 20 January she was formally married to the young prince of Asturias, her senior by two years and a half. For obvious reasons the marriage remained purely nominal for the next eighteen months.

That the marriage was less unwelcome to Philip V and his wife than the comte de Pimodan asserts is proved by the fact that it was followed by another in which the queen was more directly interested. A few weeks after the wedding ceremony overtures were made from Madrid and accepted in Paris for the betrothal of Don Carlos, the elder son of Elizabeth Farnese, to Philippine Elisabeth, the sixth daughter of the regent, and on 23 February 1723 the younger sister came to join Louise Elisabeth at the court of Spain. Thus was forged the *funiculus triplex* which, as the Jesuit confessor of the young princess declared, could hardly be broken. It is clear that at this time the policy of Spain was dominated by the desire to secure French support for the Italian policy of Elizabeth Farnese, and thus to defeat the threatened opposition of Charles VI.

The prospects of success in this policy were speedily dimmed in 1723 by the successive deaths of the two men who for the last eight years had guided the foreign relations of France. Dubois died on 10 August, and Orleans followed him to the grave on 2 December. The duke of Bourbon, who succeeded to the office of first minister in France, was the bitter enemy of the house of Orleans, resented the prospect of its possible succession to the throne, and was not likely to respect either the pledges or the family interests of his predecessor. In any case the change of government in France would have been prejudicial to the interests of Louise Elisabeth, and it was a crowning misfortune that the news of her father's death was followed in the next month by the still more startling intelligence that her father-in-law had made up his mind to abdicate, and that her youthful husband, still little more than sixteen years old, was to ascend a throne for which he had neither aptitude nor training.

The story of the seven months' tenure of the throne by a sulky boy and an ill-educated and rather rebellious girl is a mixture of tragedy and comedy. It is mostly drawn from the complaining letters of the young king to his father and step-mother, and from the malevolent reports of the French envoy, whose chief desire was to win the favour of Bourbon by telling malicious and spicy stories about the daughter of Orleans. Even as described by these narrators, the misdeeds of the young queen were not very heinous. She had a gluttonous preference for highly flavoured and unwholesome foods; she outraged Spanish etiquette by playing unbecoming games with her female attendants; she had a taste for practical jokes at the expense of her precise elders; and at times she ran about in inadequate clothing, and even displayed limbs which, according to the familiar story, a queen of Spain ought not to be known to possess. At last the rather priggish husband, by the advice of a still more priggish father, determined

to employ coercion, and banished his girl-wife to the gloomy solitude of the palace of Madrid. From this prison she emerged, we are told, tamed and repentant, and she certainly showed a forgiving spirit by faithfully attending her husband during the attack of malignant small-pox which proved fatal on 31 August 1724. Philip V was too much afraid of infection to visit his son, and Elizabeth Farnese added to the discredit of neglecting her stepson by the monstrous assertion that Louise Elisabeth, who contracted the disease at her husband's bedside, was responsible for the young king's untimely death.

Philip V, at the dictation of his termagant wife, once more startled Europe by reascending a throne which he had only nominally vacated, and one of his first tasks was to determine the future of his now useless and unwelcome daughter-in-law. Bourbon would have preferred to leave her in Spain, but it was natural that the girl herself should prefer to return to the country of her birth, and her right to do so was secured by the terms of her marriage contract. And her return was rendered imperative and assumed a penal character by the sudden decision of Bourbon in 1725 to break off the Spanish match for Louis XV, to send back the infanta to Spain, and to give the young king a hastily chosen bride in the person of Maria Leczinska. This insult to their daughter infuriated the Spanish rulers, and led not only to a complete rupture with France, but also to that unnatural alliance with Austria which Orleans is said to have dreaded, though he could hardly have foreseen the circumstances which brought it about. Not only was the departure of Louise Elisabeth hurried on, but the engagement of her younger sister to Don Carlos was repudiated, and both girls, the widow and the expectant bride, were sent back to France. Once again on the frontier Louise Elisabeth found herself exchanged for the youthful infanta, who had no knowledge of the momentous change in her destiny and believed that she was merely paying a visit to her parents. The *funiculus triplex* was smashed to pieces.

Spain had now the uncongenial burden of supporting two dowager queens, as the widow of Charles II was still living at Bayonne, where she was visited on both journeys by her successor, first in wifehood, and three years later in widowhood and exile from Spain. In both cases the Spanish allowances were irregularly and inadequately paid, and both the ex-queens incurred heavy debts in order to fulfil the duty of maintaining a meaningless state proportioned to their lost rank. While Philippine Elisabeth, who had no special dignity to support, could return to comfortable obscurity with her mother at the Palais Royal, where she died unmarried in 1734, Louise Elisabeth was compelled to set up a household on a semi-royal scale at Vincennes, and later at the Luxemburg, where her elder sister, the notorious duchess of Berri, had previously resided and had incurred great unpopularity by closing the gardens to the public. From the first the position of the youthful dowager was extremely uncomfortable. She was still too young to claim or exercise independence. Her natural guides and guardians were her mother and her brother, the young duke of Orleans. But Philip V from Madrid still claimed to direct and dominate the life of his daughter-in-law, and to select the leading members of her household. Hence arose an inevitable clash in the queen dowager's suite. Her principal

attendants took their orders from Spain, and tried to maintain the strict Spanish etiquette against which the girl had always been a rebel. Round herself she collected a group of French friends who looked to the Palais Royal for guidance and support. The feud, which led to constant quarrels and even to duels, was inevitably intensified by the discord between the rival leagues of Vienna and Hanover, which at one time threatened to generate a great European war. Horace Walpole, the active British ambassador in France, was impelled to intervene in the quarrel by his desire to weaken Spanish influence at the French court and to thwart the suspected designs of Chauvelin, whom Fleury, the successor of Bourbon as first minister, had promoted to the control of foreign affairs. Louise Elisabeth, urged by personal enmity, and probably encouraged by British diplomacy, tried to dismiss her principal attendants, but Philip V curtly refused to recognize her right to control her household, and confirmed his own nominees in their offices. At last, in 1727, the deadlock became so intolerable that the ex-queen of Spain suddenly quitted the Luxemburg, leaving an unoccupied staff to draw what salaries they could get from Madrid, while she sought refuge in the convent of the Carmelites, which had been lavishly endowed by members of the house of Orleans.

After nearly six years at the Carmelites, Louise Elisabeth, wearied of seclusion, returned in 1733 to the Luxemburg. During the interval her most detested attendants had been dispersed, and the political situation had undergone a complete change. The birth of a dauphin in 1729 to Maria Leczinska had removed from practical politics the agitating question of the French succession, and had deprived the family of Orleans of much of its importance. The policy of Chauvelin, which Horace Walpole had dreaded from the first, had triumphed in the French ministry. The alliance with England, first formed by Dubois and the regent, and later renewed by Bourbon and Fleury, had been abandoned. In its place came the family compact and the secret treaty which bound France and Spain to close co-operation against Austria, and, if necessary, against the maritime powers. Louise Elisabeth and her household ceased even to be a minor pawn in diplomatic relations, and the dowager queen of Spain was allowed to spend the remaining ten years of her life in peace and obscurity. Spanish remittances, and with them Spanish interference, came to an end, and careful economy, which in her younger days she had despised, even enabled her to live within the income provided by her French dowry, though she could never clear off her earlier debts.

In 1739 the Franco-Spanish alliance was cemented by a new marriage contract between the eldest daughter of Louis XV and Don Philip, the younger son of the rulers of Spain. It was natural that the bride should seek some information from the cousin who had spent three years in Spain and had actually worn a Spanish crown. But a disputed point of etiquette, the bugbear of eighteenth-century courts, prevented the interview from taking place.

Before her death in 1742 Louise Elisabeth bequeathed her property, her claims, and her debts to her brother the duke of Orleans. He satisfied the patient creditors, and proceeded to demand from Spain not only reimbursement of these sums but also the large arrears of the allowances

promised but never paid to his sister. The Spanish government was never punctilious or prompt in money matters, and it was not till 1762 that Charles III repaid to the next duke of Orleans the sums which his father had actually paid on behalf of his sister. The arrears were never paid at all. Meanwhile the French dowry of Louise Elisabeth remained in the hands of the government, which paid regular interest upon it to the Orleans dukes until the outbreak of the Revolution. The then duke, Philippe Égalité, adroitly parted with his claims to two bankers, who made a vain effort to extort payment from the national assembly. The question gave rise to a prolonged debate, but the assembly showed no willingness to fulfil what they regarded as merely dynastic obligations.

The story of Louise Elisabeth's ill-starred marriage and of her comfortless widowhood is at best a squalid one. It is told by the comte de Pimodan with the documented accuracy and the wealth of detail which are characteristic of French research. Whether it was worth the labour bestowed upon it is open to doubt. When the young queen might have influenced the political history of Europe, she was pathetically immature and ineffectual. By the time she had acquired some insight and some self-control, circumstances had changed and her once possible importance had disappeared. The narrative of her life is a backwater of eighteenth-century history, and the scandalous chronicle of her girlish escapades might have been allowed to remain in the obscurity which it serves no useful purpose to dispel. There is one small slip which should be corrected. On p. 24 Louise Elisabeth is correctly described as 'the sixth child and the fifth daughter' of the duke of Orleans. On p. 117 Philippine Elisabeth is also the 'fifth' daughter. The latter designation should be either the 'sixth', or the 'fifth surviving' daughter.

RICHARD LODGE.

*The University of Cambridge in the Eighteenth Century.* By D. A. WINSTANLEY. (Cambridge: University Press, 1922.)

THE title of this most diverting book is somewhat of a misnomer, for it deals almost entirely with the career and activities of that singular personage the duke of Newcastle, in his capacity as chancellor of Cambridge university. As Mr. Winstanley observes, 'while the moralist and the scholar condemn, the student of human nature has cause to be grateful' to the duke and his friends in the university. For in the voluminous papers of the duke we can study their hopes and fears, their intrigues, their electioneering calculations, and their general outlook on life with unusual minuteness; while the historian of wider politics may derive from Mr. Winstanley's pages some amusement in contrasting the secretary of state or prime minister with the chancellor influencing, as far as he dared, the fortunes of the university. The contrast is entirely to the advantage of the chancellor. Instead of the author of those verbose, nerveless, and obscure dispatches filling whole quires of foolscap in which every week or even at shorter intervals the duke conveyed the intentions of his majesty to his ambassadors abroad, we have a Newcastle who knows what he wants and can say it directly; but this may be due to Mr. Winstanley's skill in selection.

After an introductory chapter on the constitution of the university in the eighteenth century, Mr. Winstanley analyses the duke's relations to the university, dividing them into the familiar categories of university and colleges. One chapter, on the university and the politicians, is devoted to telling once more the Homeric combat between Newcastle and 'Jemmy Twitcher' Sandwich over the high stewardship of the university, and very good reading it is. Mr. Winstanley has told the story before, but with its corrections it well bears telling again. The shameless candidature of a hypocritical debauchee for high office in a university, advanced solely for the political purpose of annoying Newcastle; the portent that, in spite of his infamous character, he all but won the day; the calculations conducted with the utmost nicety, on how many votes each side could rely; the anxiety caused by the announcement of the master of Trinity that he would not attend the senate, and the consequent doubt whether the number of doctors to be placed in the regents' house by the Hardwicke party should be twenty-six or twenty-five; the various untoward accidents like the unexpected arrival of a voter from the Isle of Man or the sudden insanity of a fellow of Caius; the extraordinary failure of the proctors to record each others' votes and the confusion that thereupon arose and was worse confounded immediately afterwards when Beilby Porteus, who had left the senate house 'for refreshment', sought readmission after the doors had been closed and was refused it by the vice-chancellor in the belief that he was the dreaded master of Trinity whose vote would turn the balance against the vice-chancellor's party; the complicated controversy over the validity of Mr. Thomas Pitt's vote;—all this should be read in Mr. Winstanley's masterly narrative. But it is not here that the originality of the book lies; what is new is the review of Newcastle's chancellorship as a whole.

Newcastle was no mere figurehead in his academic office. He conceived the university to be indeed a place of learning, but primarily a source of power for himself. Hence he constantly strove to maintain a party in the university, just as he did in the state, and he seems to have regarded the chancellor's office with much the same eye as George III considered the monarchy. By dint of rewards when in power, by ceaseless watching and unwearying industry, by constant attempts to control the appointments of vice-chancellor, professors, and heads of houses, by abusing the royal right of granting degrees by mandate until there was an outcry, Newcastle succeeded in building up a party of his 'friends' which, in spite of ungrateful defections when he fell and had no more bishoprics or deaneries to dispense, and in the face of the open revolt of independent members of the university, enabled him at the supreme crisis of his career as chancellor to win a Pyrrhic victory over Sandwich. He was an instance of that not uncommon phenomenon, a man who belonged to opposite parties in public and academic politics. Though a whig in the state, he was almost a tory in the university. He had no more scruples than George III in stretching his prerogative beyond the limits laid down by custom, and was as ready as the king to exercise legal but unconstitutional rights in the university to attain his ends. Hence the opposition he aroused and the rebuffs which he frequently endured, all of which were the

more unnecessary as they arose, as often as not, from exhibitions of ignorance of the most elementary rules of university etiquette and from a strange lack of tact and feeling for academic sentiment.

With the colleges the chancellor confined himself in the main to the securing of 'good' heads of houses; but to achieve this it was sometimes necessary to tamper with elections to fellowships. Even so, there is evidence of his interference in far humbler walks of life. The most delightful piece of original literature in the book is the letter of the master of Trinity refusing to comply with the chancellor's request that a man from St. John's may be appointed butler to Trinity on the ground that 'some of the higher spirits would sooner quarrel with their bread and butter than receive it at the hands of a Johnian butler'. But, on the whole, the chancellor knew well how unresponsive and difficult an instrument is a body of college fellows, and his influence, entirely excluded from some colleges and exercised only at rare opportunities and at serious crises in others, met with very varying fortune. If the establishment of his power in Trinity Hall, where it had been non-existent, is the outstanding instance of successful management and his capacity to take advice, the positively venomous treatment he received at his own college, Clare, was the most mortifying experience he had to endure, and probably any pleasure he may have felt at the defeat of Sandwich could not salve the wound. His career as chancellor has been justly summed up by Mr. Winstanley thus :

He wasted his own and other people's time by continually interfering in matters which could easily have been arranged without him; and was ever seeking to assert his authority. Over his chancellorship there hangs an atmosphere of intrigue and wire-pulling for which he is largely responsible; and though he no more introduced jobbery and corruption into the university than he did into political life, it can hardly be denied that in both spheres of his activity he was not scrupulous as to the means he employed to win followers. Nevertheless he deserves to be remembered for the love he bore it. His frequent professions of affection ring true; and it can at least be said of him that he strove, according to his lights, to promote the honour and glory of Cambridge.

Mr. Winstanley, it will be readily understood, has made the most of his rare opportunity of combining a study of the comedies of eighteenth-century life with a good piece of historical work, and it has obviously appealed to his sense of humour. At the same time he has given his readers a general impression of life at Cambridge in the middle of the eighteenth century. Needless to remark, he reveals a state of university life very different from that with which we are familiar to-day. We have long since been made aware of the contrast between the comparative orderliness of the modern undergraduate and the violent medieval lawlessness which prevailed until the days of athletics; and we have for many years been satisfied, or driven to despair, by the pictures of the 'idle fellows' of the past and the overworked pedagogues of the present. But what would most surprise the modern 'don' is the freedom with which fellows of colleges, long before a vacancy occurred, canvassed their colleagues for votes in their favour at the next election to the most eminent posts, and the openness of the universal log-rolling; but if this seems strange we cannot but smile when we recognize the familiar features of perverse sophistry, jealousy of interference by superiors, and timid niceness over

questions of minor importance, that are apparently common to all periods of university life. Nevertheless, incredibly shocking as a university conducted on these lines would be to the earnest reformers of our day, it was not all bad. Like its chancellor, who instituted the gold medals and built the east front of the library, Cambridge had its respectable though less amusing activities, and Mr. Winstanley is only just when he claims that in this much-decried century it produced men who enjoyed European, and indeed perpetual fame, in the learned world.

L. G. WICKHAM LEGG.

*Den Danske Regering og Nordslesvigs Genforening med Danmark.* I Bind. 1864-8. Af AAGE FRIIS. (København : Koppel, 1921.)

*Det Nordslesvigske Spørgsmaal 1864-1879 Aktstykker og Breve til Belysning af den Danske Regerings Politik.* I Bind. *Fra Efteraaret 1864 til Marts 1868.* Af AAGE FRIIS. (København : Koppel, 1921.)

DR. FRIIS, in close accord with the Danish foreign office, has undertaken to elucidate the policy of his state with regard to Northern Slesvig between 1864 and 1879. The work, of which these two substantial volumes form one-half, is based upon a wealth of international archives and executed upon a most luxurious scale. For less than three years and a half some 430 pages of text, authenticated by 442 documents filling twice that space, convey in lucid prose the record of Denmark's feeble diplomatic struggles to win back some small fraction of what had been taken from her. Portraits of P. Vedel, Count C. E. Frijs, G. J. Quaaed, and J. J. Hansen adorn each volume. The documents are published as nearly as possible without important omissions, and no omission has been made for reasons of state.

When in 1864 the two duchies were torn from Denmark, it was feared that this triumph of German nationalism would be followed by a collapse of Danish spirit further north, and that Denmark would become, culturally as well as politically, a satellite of her great neighbour. Some even thought that it would be best to pass as a united nation under German rule. We now know that the Danes of Northern Slesvig, sustained in a measure by the organized sympathy of their kinsfolk in Denmark, triumphantly maintained their nationality until in 1919 the great war set them free. Dr. Friis traces the unceasing but futile efforts of the Danish government to find some means of reincorporating a population which spoke the Danish language, and at every opportunity showed filial feelings towards Denmark. While the royal family was supposed, perhaps falsely, to care little for winning back the expatriated Danes if it could restore its rule over them and the Germans of the duchies in a personal union, and while some Danes still dreamed of a wide expansion of the Danish state, the ministry limited its aspirations to Northern Slesvig, and would probably have been contented with the half even of that. At first they built their hopes on Bismarck, and in 1866 offered to join Prussia against Austria in arms. Only two years after suffering partition they allowed the crown prince to accept an invitation to Berlin, with the inevitable decoration of the Black Eagle. Bismarck, of course, steadily encouraged their hopes, but

without making any promise. They were hardly deceived by him, but wisely decided that from any other power they could expect nothing save sympathy. The sympathy of France, however, procured the fifth article of the Peace of Prague, which provided that the populations of the northern districts of Slesvig should be ceded to Denmark if they gave a free vote in that sense.

For many years Danish policy had to base itself upon this article. To William I and the military party, however, it represented a most distasteful concession to Napoleon, and Bismarck steadily evaded its application. Nationalists on both sides accentuated the dispute. From the Danish press Bismarck quoted a suggestion that Germans travelling by train should be segregated in special carriages, since they behaved worse than dogs. To this embarrassing proof of anti-Prussian feeling Quade replied that the *Norddeutsche Allgemeine Zeitung* had advocated the germanization of Jutland. On the other hand, various intriguers meddled in high politics, proposing such schemes as the cession of the Danish West Indies to Prussia in exchange for Northern Slesvig.

Of a different order was the official inquiry of France with regard to the intentions of Prussia. Bismarck hinted in reply that the engagement was made only towards Austria, that more light upon the desires of the inhabitants was necessary, and that Prussian security was paramount. While Prussia steadily evaded a *plébiscite*, Denmark, guided by Count Frijs, held aloof from intrigue with the Reichstag representatives of Northern Slesvig, and thus was prepared the situation which existed in 1914. In May 1867, however, under the stimulus of the Luxemburg crisis, Prussia inaugurated a kind of negotiation for the retrocession of a part of Northern Slesvig, provided that guarantees were given for the German-speaking minorities and financial obligations undertaken. Little resulted save general agitation, tedious diplomacy, and an increase in the friction between Prussia and France. The guarantees proved almost incompatible with Danish sovereignty, but as the price of all Northern Slesvig they would not have been refused. To have accepted a fraction on such terms would have been a betrayal by Denmark of her faithful sons which history would not have forgiven.

The volume of documents is often of interest as recording the verdict of a small power upon the great. In August 1866, for example, Count Frijs remarks that although the Monroe Doctrine is not recognized as valid, there is a vast difference between this and American tolerance of the sale of West Indian islands by a weak European state to a strong one. Denmark must rather cultivate the Americans, with a view to becoming a staple-place between them and the Baltic. At the same time the ambassador in London reports that

whereas John Bull long made himself humanity's knight, and willingly forced his philanthropic and freedom-loving principles upon others, and regarded it as politically right and expedient to nourish disturbance among them and profit by it, now he has come to the time of life when undisturbed peace is preferable. . . . This national isolation has become the nation's political sentiment and must for the present impress itself upon every administration.

W. F. REDDAWAY.

*A History of English Law.* By W. S. HOLDSWORTH, K.C., D.C.L. Vols. i-iii. Third edition, rewritten. (London : Methuen, 1922-3.)

THE writing of a comprehensive and detailed history of English law from the age of the Germanic conquest to the end of the seventeenth century is an achievement demanding more than a passing notice. In his inaugural lecture, *Why the History of English Law is not Written*, delivered in the autumn of 1888 at Cambridge, Maitland said : ' I believe that no attempt has ever been made to write the history of English law as a whole.' It is a striking fact, indeed, that the great awakening of interest in historical studies at the beginning of the nineteenth century exercised at first far less influence upon the literature of English legal history than upon the literature of continental legal history. In Germany the creative work of Eichhorn and Savigny and Jacob Grimm had established the historical school of law upon firm and lasting foundations early in the nineteenth century. Both the Germanic and the Romanic elements in German law were subjected to minute and comprehensive historical researches. A vast literature, dealing with all the phases and aspects of German institutional and legal development, was gradually brought into being and ultimately used by Brunner and Gierke and other scholars as the basis of their monumental works. Likewise in France and in other continental countries the tendencies in the study of legal history which had been aroused by the work of the masters of the early nineteenth century were bearing fruit long before special attention was devoted to the history of law in England.

Within the realm of legal as distinct from institutional history it was largely the genius of Maitland himself which brought English scholarship into line with the scholarship of the Continent. The studies embodied in the *History of English Law before the Time of Edward I* and in his other writings transformed the whole method of English legal history, directing attention not only to the intensive investigation of English legal materials within given periods, but also to the intimate historical relations of English law with the legal systems of the Continent. Maitland was the true founder of the present school of historical jurists in England. Nor, in taking his rightful place beside the greatest of the continental historians of law, did he slavishly follow their methods and aims. He struck out new lines of research for himself ; and he came to conclusions as to the processes of legal growth which were all his own. His work marks indeed an advance in the history of the historical school within the domain of law. He caught the vision—a vision which is lacking in some of the most prominent legal historians from Savigny's days to our own—of the social and political forces which surround and modify the law from age to age in response to ever-changing needs. There is also much in his writings which shows us that his study of the past did not enslave him to the ideas of the past. As a statesman-jurist he was ready to march with the new order in social and legal life. The laying of emphasis for a moment on the work of Maitland is not forgetting the invaluable labours of other jurists like Pollock and Vinogradoff in England, Holmes, Thayer, Ames, and Wigmore in America. But of all the members of this distinguished school Maitland was the first to hold before his eyes the ideal of ' the history of English law

as a whole': and it is this particular service of his to scholarship which one wishes at present to hold in remembrance. Although he illumined, in many of his writings, stages in legal growth both before and after the Angevin age which he studied so minutely, Maitland himself did not live to see his ideal fully realized either by himself or by any other scholar. Having reached the age which begins with Edward I, he was faced by the corrupt state of most of the printed editions of the year-books; and thus faced, as he rightly believed, by grave difficulties in the way of his continuation of the *History of English Law*, he set himself to the laborious task of preparing a new and adequate edition of at least some of these law reports of the later middle age. How brilliantly he executed this work several volumes of the Selden Society series of *Year Books of Edward II* bear witness.

We should not forget the history of the new school of English legal historians when we approach the volumes which Dr. Holdsworth has written; for in these volumes we can see the response to the challenge in Maitland's inaugural lecture and the realization—at least in large measure—of his ideal of 'the history of English law as a whole'. In the seven volumes which he has written—three are already in print—he has traced the history of English law—or, perhaps we should rather say, English laws—down to 1700; and in further volumes we may hope that he will continue the story to our own day. Despite the difficulties incident to the fact that for most of the year-books were accessible, in Sir Frederick Pollock's words, 'only cumbrous, ill-edited, ill-printed, ill-indexed volumes', and in face of the further fact that most of his other materials lay scattered and almost hidden away in many places, Dr. Holdsworth has toiled on for over twenty years in order that a complete picture of English legal evolution might be presented to our gaze. It is well that the learned author did not wait for the completion of the editorial work of the Selden Society; for it has long been evident that the re-editing of the year-books will take many more decades and that the present generation of scholars will not live to see it finished. Maitland, after all, was not deterred from his project of dealing with the law of Henry III's time by the inadequacy of the editions of Bracton to which he had access: Dr. Woodbine's scholarly edition, now in progress, was not then available. Each generation of scholars can do a little towards the improvement of printed texts; but, in general, it must use the materials of history as it finds them, leaving it to succeeding generations, with better texts and more efficient machinery of workmanship, to correct errors and to place the aspects of development in truer perspective.

The first three volumes of Dr. Holdsworth's work have all been revised and partly rewritten for the present edition. Certain parts have been expanded; new parts have been added. In many directions the vision of institutional and legal development has been extended. The present edition contains many additional references to the history of continental law; it is now, in several respects, a study in comparative legal development. It embodies, indeed, new and illuminating accounts of the European environment of English medieval law (see especially ii. 3-11, 121-44); in many scattered passages the new edition now helps us to see clearly

the intimate relations between the intellectual, political, and legal ideas of the Continent and those of insular England in the middle ages. Each one of the first three volumes of the new edition contains in fact many new features and new points. Special attention should be drawn to some of them.

Volume i is concerned with the history of the judicial system from earliest times to our own day. In the new section on *Magna Carta* and the judicial system (pp. 54–63; see also ii. 207–16) Dr. Holdsworth deals with those clauses of the charter which either regulate the new machinery of justice established by Henry II or attempt to fetter it. The only clauses, Dr. Holdsworth maintains, in which we can see an attempt to fetter the new machinery are the thirty-fourth and thirty-ninth. In the course of his treatment of these clauses he draws attention to the important difference of opinion among the commentators as to the meaning of the phrase ‘*per legem terrae*’ in the famous clause thirty-nine. In Dr. Holdsworth’s opinion both of the suggested interpretations of the phrase—first, that it refers to a trial by battle, ordeal, or compurgation and not to the law of the land, and, secondly, that it means simply the law of the land—are possible; but he holds that neither has been proved to be necessarily correct. He inclines to the second for the two reasons that it makes better sense than the first, and that the weight of contemporary exposition is in favour of it; and he reaches the conclusion that the phrase ‘*per legem terrae*’ is ‘only in part reactionary, and only in part refers specially to the judicial system’.

It has [he says] a very considerable constitutional significance because it does lay down the principle that liberty and property are not to be interfered with without ‘due process of law’. . . . Parliament and the common lawyers interpreted it as meaning ‘due process of the common law’; and they used it with some effect against the rival jurisdictions of the council and the Chancery.

Another new feature of volume i to which attention should be drawn is the author’s classification of the various franchise jurisdictions of the middle age into five groups. In the first group is the royal franchise jurisdiction, separate from the common law, over the royal forests; while the second group includes the franchise jurisdictions which belonged to landowners. The franchise jurisdictions of the borough make up the third group. In the fourth group are the franchises called into being by the needs of industry and commerce, especially the franchises by means of which the law merchant was administered, such as those possessed by guilds of merchants and craftsmen and by special maritime and commercial courts. To the fifth group belong the ‘professional’ franchises, such as those possessed by churchmen, lawyers, physicians, the army, the navy, and the universities. Dr. Holdsworth’s classification of the franchise jurisdictions into these five groups is illuminating; and his account of the history of the separate groups (pp. 87–176) forms one of the most important contributions which he has made to judicial history. The future historian of the courts of the universities of Oxford and Cambridge will find in Dr. Holdsworth’s brief paragraphs (pp. 165–76) a wealth of material.

Into his account of common law jurisdiction (i. 194–350) Dr. Holdsworth introduces several new features. He emphasizes, for example, the

important difference between procedure in error and procedure on appeal (pp. 213-15; see also pp. 438, 643), a matter little known to-day save by a few persons learned in the intricacies of the history of procedure. The common law, says Dr. Holdsworth,

knew nothing of the appeal by a rehearing of the case. It only knew a procedure in error in which only errors which appeared on the record could be alleged. [It was] a most inadequate procedure; and it was most imperfectly mitigated partly by judicial ingenuity, and partly by small legislative improvements. The idea of an appeal by means of a rehearing of the case came into English law from the Chancery; and it was not till the Judicature Acts [of 1873 and 1875] that the common law procedure in error in civil cases was swept away, and the Chancery procedure substituted for it.

Readers of Dicey's brilliant comparison between the English rule of law and the French *droit administratif*<sup>1</sup> will be particularly interested in Dr. Holdsworth's reference to the 'cursus scaccarii' (i. 239; see also pp. 246-64). This, he tells us, was 'probably the nearest approach to a body of administrative law that the English legal system has ever known'. The court of exchequer, sitting as a court of revenue, was 'the nearest approach to an administrative court'. Gradually, however, the common lawyers ousted the officials from the court of exchequer, and the early growth of an administrative law, separate and distinct from the common law, was first checked and then finally killed. As Dr. Holdsworth remarks, this is but a further illustration—and yet an especially interesting one—of the vigorous life of the common law at the end of the sixteenth century.

Dr. Holdsworth points out, in his first volume, two very interesting aspects of the history of the jury. In the first place, he makes an interesting comparison between the history of the jury in France and in England. In the thirteenth century Beaumanoir recognizes a procedure that is practically identical with the English trial by petty jury; while in some of the older French *coutumiers* a procedure is depicted which is closely parallel to the English jury of presentment. Why, asks Dr. Holdsworth (p. 315), did the jury decay in France, while in England it grew and flourished? He finds the solution of this problem in the fundamental differences between the legal history of France and the legal history of England. In France the struggle of the Crown against the great feudatories was long and doubtful; whereas in England the victory of the Crown was earlier and more definite. When the French Crown was engaged in the work of centralizing the government, it was much helped by doctrines of the civilians and canonists that were then current in France owing to the influence of the Italian legal renaissance of the twelfth century. As a result, there was introduced into French law an inquisitorial procedure very different from the old Frankish *inquisitio* which lies at the basis of the English jury. Owing to the working of this Romanic institution the French state came to act on the presumption that from the moment of his arrest the accused was guilty. The jury of the old French customary law died out, displaced by the procedure which still holds sway in France as well as in other continental states. It is not until fairly recent times, one may

<sup>1</sup> *Law of the Constitution*, ch. xii.

add, that we find the jury, in a modified form and within a limited sphere of action, reintroduced from England into France and into other continental countries where it had decayed under Romanic influence in the middle ages.

The second aspect of the history of the jury to which reference may be made concerns England alone. The methods of controlling the jury figure prominently in English judicial history (see i. 337-47). Although in the sixteenth century the writ of attaint fell into disuse, other medieval modes of controlling the jury persisted. In the middle ages the common law judicature exercised a very severe control; but towards the close of the medieval period this form of control, owing largely to the disordered state of the country, proved inadequate. In this situation the council and the star chamber seem to have saved the day by exercising wide powers of controlling the jury. In the Tudor epoch the jurisdiction of these tribunals over juries seems—at least in many cases—to have worked beneficially (pp. 343-4).

In its new form volume i contains several other novel features. Thus, for example, students of the historical problem—a difficult and somewhat obscure problem—as to the relation of parliamentary privilege to law since 1688 will find some instructive comments in regard to it (pp. 392-4); and they will be glad to learn that the author proposes to speak of the subject more at length in volume vi. Again, in dealing with the history of the ecclesiastical courts, Dr. Holdsworth draws an instructive comparison between the medieval theory of the relation of church and state and the new Anglican theory of Henry VIII's time (pp. 590-1); but it is to be regretted that Dr. Tanner's recent valuable commentary on the church settlement of Henry VIII<sup>1</sup> appeared after the proof-sheets of his first volume had left Dr. Holdsworth's hands. On the origins of the equitable jurisdiction of the chancellor Dr. Holdsworth summarizes the results of recent research and adds a valuable contribution of his own (pp. 446-9); while his account of the official staffs of the courts (see especially pp. 246-64) is new and illuminating. Students of prize jurisdiction will desire to read Dr. Holdsworth's arguments (pp. 566-8) in reference to the problem of the historical soundness of the decision in the important case of *The Zamora* [1916], 2 A.C. 77.

When we pass from the first to the second and third volumes we find that our attention is directly chiefly to the sources, the general development, and the rules of the medieval law. The main characteristics of the different periods from 449 to 1485 are sketched in a masterly way and the history of the rules of the several branches of the law is given in much detail. Both volumes contain many new points; and these new points are clear evidence that the author has effected his task of revision in a thorough manner. Although it is impossible to deal adequately with these new features without unduly prolonging the present notice, a bare catalogue of the new points may be useful. Let it be noted, therefore, that in volume ii the reader will find fresh information on the following matters: contract in Anglo-Saxon times (pp. 82-7); Dr. Woodbine's researches in the text of Bracton (pp. 236-43); the equity of the common law courts (pp. 246-9, 334-7); the later history of appeals of felony

<sup>1</sup> *Tudor Constitutional Documents*, pp. 13-98.

(pp. 361-4); the development of parliament in the fourteenth and fifteenth centuries (pp. 429-34); the interpretation of the Statutes of Labourers (pp. 462-4); the Year Books (525-56); seisin and title (pp. 582-8). In volume iii the new features are introduced in respect of the following subjects: the history of the writs of formedon (pp. 17-18), dower (pp. 20-2), and replevin (pp. 283-7); escheat and equitable estates (pp. 71-2); the rule in Shelley's case (pp. 107-9); Bereford, C.J., and the construction of the statute De Donis (pp. 114-16); advowsons (pp. 138-43); covenants running with the land (pp. 157-66); prescription (pp. 166-71); benefit of clergy (pp. 293-307); possession and ownership of chattels (pp. 318-60); the lines of development of the law of crime and tort (pp. 388-411); the later history of the writ of assumpsit (pp. 441-54); status (pp. 455-8); the incorporate person (pp. 469-90); the Statute of Distribution (pp. 558-63); the maxim 'actio personalis moritur cum persona' (pp. 576-8); procedure and pleading (pp. 596-658; see especially pp. 597-623 on criminal procedure and pp. 639-56 on the introduction of written pleadings and its effects).

H. D. HAZELTINE.

*London: Its Origin and Early Development.* By WILLIAM PAGE. (London: Constable, 1923.)

In this volume Mr. Page traces the origin and growth of London politically, constitutionally, and commercially from its earliest state to the date of Magna Carta. The early history of London is an obscure and controversial subject, though recent research has done much to clear away old doubts and difficulties. Archaeological discoveries have been of particular value in this regard, and the bringing together of the results thus obtained is desirable, even though the conclusions must of necessity on some points be more or less speculative. Mr. Page devotes his first three chapters (nearly one-half of the whole) to a review of Roman, Saxon, and Norman London. Here he is working over comparatively familiar ground, though constantly illustrating his narrative by fresh evidence. His theory that London dates only from the very end of the late Celtic age is probably sound, and the suggestion that it originated as a port for the capitals of British princes at Verulam and Colchester is at least plausible. For the history of Roman London much fragmentary material has gradually accumulated, and Mr. Page has restated it in a useful form without entering on dubious conjectures. His view that London probably lay desolate for a century after the departure of the Romans is one which must be preferred to any fanciful theory of continuity. In the history of London during Saxon and Norman times we reach more assured ground. But there are many points on which Mr. Page is able to throw fresh light, as on the growth of the sokes, and the significance of the grant of 'Weremansacre'. The writ of 4 February 1205-6 for the election of twenty-four of the more lawful, wise, and discreet citizens, he regards as a transitory provision for the amendment of abuses in the collections of the tallage of 1205, and suggests that the oath for the twenty-four printed by Mr. Round<sup>1</sup> was drawn up for them.

<sup>1</sup> *Commune of London*, p. 237.

The most valuable and novel part of the book comes in the later chapters which deal with 'The Sokes', 'The Churches and Schools', 'The Wards', 'The Early Government', and 'Growth of London'. Here we enter upon questions which are essential to the understanding of London history, and which have not hitherto received such complete investigation. That the sokes formed the basis on which the commercial and to some extent the municipal life of London developed has been recognized, but Mr. Page has for the first time worked out their history and position, so far as known, systematically, and has illustrated his text by a convenient sketch-map. In the account of Edred's hithe and the adjoining Canterbury and Worcester sokes, there is a misprint on p. 131, where the latter are placed on the *eastern* instead of the western part of the former. When on the same page a 'jugerum' is referred to as an area of 240 square feet, there is surely some confusion. The period of the principal development of the sokes was after the Norman Conquest. Aldermanbury, it is suggested, grew up out of the King's Bury within the city. Mr. Page thinks that its name may possibly be derived from the alderman of the frith gild, for whom a hall was built nearly on the site of the present Guildhall. From the Reiner de Aldermanbury of 1136 he traces a probable descent to the Gervase, who in 1246 conveyed to Adam de Basing his house in Aldermanbury with the advowsons of St. Mary Aldermanbury, St. Mary Magdalene, Milk Street, and St. Michael Bassishaw. This may indicate the extent of the soke, and illustrates the importance of the sokes both for the topography and history of London. The soke of the king of Scotland is shown to have corresponded roughly to the ward of Farringdon Within. Eventually it was divided amongst the heirs of David of Scotland; the Balliol lands in the north-eastern part came into the possession of John of Brittany, in the southern part the Hastings family and their representatives retained an interest till the seventeenth century. Thus the history of the soke is wrapped up with the history of the London inns of the earls of Brittany and the earls of Pembroke. Mr. Page seems to assume the continuous descent of the later Pembroke Inn in the Hastings line, but it was certainly held by Mary de St. Pol, the widow of Aymer de Valence, and only came to the Hastings earls of Pembroke after her death. He rejects any connexion with John of Brittany, the identification of whose only house with the later Lovell's Inn he accepts. But Lovell's Inn was in the possession of Robert de Holand before 1328, and John of Brittany in 1331 granted his lands in England to Mary de St. Pol, who appears to have held Pembroke Inn in her own right. Still, however doubtful the solution of this question may be, it illustrates the value of a careful study of London topography for the history of the city. The connexion of sokes and houses comes out in other instances; probably in Lothbury, and more certainly in Bucklersbury. The widow of Andrew Bukerel is stated to have sold his soke in London in 1183; Mr. Page suggests that this was Bucklersbury, but here comes a difficulty, for the Bukerels held Bucklersbury till the reign of Edward I. The London honour of Peverel has always been somewhat obscure; Mr. Page suggests reasons for placing it in the Vintry. The honour of Albemarle is identified with the manor of Walbrook, comprising the parishes of St. Stephen

Walbrook and St. Mary Newchurch. This was held by Eudo Dapifer, who granted his stone house to Colchester Abbey. The history of the honour seems to show conclusively that the St. Mary Newchurch of the twelfth century was identical with St. Mary Woolchurch, in spite of attempts to identify it with St. Mary-le-Bow and even St. Mary Colechurch.

The history of sokes and churches is entwined together, and Mr. Page is no doubt right in finding the origin of many of the city parishes in the ancient sokes for which the churches had been provided. Other city churches seem to have been originally of the nature of minsters. Mr. Page suggests that some of these early minsters were included in FitzStephen's thirteen great conventual churches; I think there is little doubt that FitzStephen meant to include churches near London and the numbers can probably be made up without counting any 'minsters'. Mr. Page calls attention to the presence of a church outside each of the principal gates; in three instances the dedication was to St. Botolph; there was a fourth St. Botolph at Billingsgate. St. Botolph was the patron saint of travellers, and the association with the principal points of departure is worth notice. Reference is also made to occasional changes of dedication. The most certain is that from St. Werburg to St. John the Evangelist. St. Ethelburga is also sometimes called St. Werburg, but possibly in error. The variation of St. Edmund for St. Sepulchre is curious; instances occur in 1279 and 1559, but I do not remember any during the intervening three centuries, except for a bequest by Henry Marshall in 1514 for gilding the tabernacle of St. Edmund at the high altar. St. Nicholas Olave was not strictly a change of dedication; St. Nicholas in Old Fish Street was the usual description till 1250, when we have St. Nicholas Bernard. Till about that time there was a St. Olave, Bread Street, which was granted to the Austin Friars as their original London home. Presumably the parish was amalgamated with St. Nicholas, and in 1252 we get for the first time St. Nicholas Olave, which afterwards became the regular form, though St. Nicholas Bernard Olof occurs as late as 1303. St. Olave, Bread Street, is one of the few instances we have of churches which disappeared; others were SS. Cosmas and Damian (probably in Cripplegate Ward) and the churches of St. Michael and St. Mary Magdalen, Aldgate, which were absorbed at the time of the foundation of Trinity Priory. That some of the many churches were superfluous one can readily believe. FitzStephen gives the number in his day as 126; some of these were no doubt outside the city and its immediate suburb. But even with this allowance the number is extraordinary; an average of only thirty families to a church would give a population of 15,000 for the city proper alone. Mr. Page might perhaps have dwelt on the distribution of the churches. If we take the central district, say from Queenhithe to Billingsgate and as far north as Cheap and Cornhill, which would include only about a quarter of the whole area within the walls, we find that it contains nearly half the churches. No doubt this was the most densely populated district in the eleventh and twelfth centuries, though the existence of some of the most ancient churches elsewhere in the city shows that the whole area within the walls was fairly peopled from an early date. As regards schools it should be noted that the names

St. Paul's, Holy Trinity, and St. Martin do not occur in the best manuscripts of Fitz-Stephen's work.

The identification of the wards in the St. Paul's list of 1130 must always be a puzzle. For the number at that time Mr. Page gives a reasonable solution, that Lime Street, Bassishaw, and Dowgate (formed out of Walbrook) were of later date ; with the addition of Portsoken we get the full number of twenty-four. Some of the wards no doubt originated in sokes, but Mr. Page dismisses the idea that the early aldermanries were hereditary as resting on little evidence. The material available for a history of the early government of the city is well summarized. Mr. Page puts forward an attractive theory that there were two stallers in pre-Conquest times, one for the western and one for the eastern part of the city. This would agree with the creation of two forts, the one at the Tower and the other at Baynard's Castle, with the long subsisting division of the wards east and west of Walbrook, and with the existence of two markets, one in each half. A chapter is devoted to 'Some Governing Families of London'. It is an important subject for the history of London in relation to the whole kingdom, and the account here given shows how closely the city through its great merchants came into relation with the governing families of the whole kingdom from an early date. The final chapter sketches the growth of London in the material sense.

Mr. Page has brought together a great mass of material, which has never previously been reduced to so orderly a form. It is only in the careful joining together of small pieces of evidence, of which we have here a conspicuously successful example, that the history of ancient London can be recovered. Though we may not agree with all of the author's conclusions and may sometimes think a point has been missed, we have in this short compass the most complete and trustworthy narrative of the origins of London which has yet been published. C. L. KINGSFORD.

*The Constitution of Canada.* By W. P. M. KENNEDY, Litt.D. (London : Milford, 1922.)

It is the aim of this treatise to present to the reader 'neither a description nor an analysis of the political institutions of Canada, but rather an evolutionary account of the various movements and stages which have issued into the organized political life of the Canada of to-day'. The aim has been effectively achieved, and the work represents an addition of permanent value to the literature of the Canadian constitution. Especially important is the consistent effort to treat the history of the Canadian constitution as exhibiting the defects of a narrow and static conception of sovereignty. Lord John Russell was unable in theory (p. 194) to admit the possibility of responsible government in Canada, though he conceded it in practice. Then the federation of the provinces presented a new and difficult problem in the distribution of sovereignty in Canada itself. Now the evolution of Canadian autonomy presents the further difficulty of the distribution of sovereignty in the Empire as a unit of international law (pp. 454-7). The author, in concurrence with Canadian opinion generally, is not anxious for any attempt at the formal remodelling of the constitution of the Empire,

although he recognizes clearly that in theory the state of equality of the dominion with the United Kingdom is still far from being attained.

The mode of treatment adopted, if it has the disadvantage of ignoring picturesque detail, renders it possible far more effectively to trace the lines of development. Viewed in this dry light, the generosity of the Quebec Act of 1774 reveals itself in the shape in which it presented itself to the rebellious colonials to the south, an effort by wholesale concessions to the French to create a stronghold of imperial influence. The seigniors and the clergy, as return for the generosity of the king and his governor, were to supply a loyal army to intervene in the struggle which was inevitable in the south. It is probable, if not certain, that the act secured Canada for the Empire; it is certain that it rendered inevitable the perpetuation of French nationality in Canada and precluded the possibility of the union of the *habitants* with the other elements of the population. Moreover, it gave rise to a condition of affairs whence federation was the only possible outcome, and the fact that Canada alone of the dominions has a rigid constitution is due to the existence of the overwhelming French majority in Quebec. Dr. Kennedy thinks (p. 230) it regrettable that Sir Charles Metcalfe went to Canada, on the score that he hurt a magnificent reputation by his work there. This is, perhaps, a mistaken view; that the policy of the imperial government, which Metcalfe carried out with undeviating loyalty and such success as it permitted, was wrong is obvious to us, but the imperial government would never have learned the lesson of its inadequacy, had it not realized that even in the hands of one of the ablest and most high-minded of men it led to impossible situations. Metcalfe sacrificed himself to his duty, and, but for the lessons learned from his work in Canada, Lord Elgin would not have been able to give full effect to the doctrine of responsible government. But the imperial government had fully learned the lesson, and Canada was assured of the power to control her own destinies when Elgin assented to the Rebellion Losses Bill in 1849 and the power to disallow the measure was not exercised (pp. 257-60). The rest of the history of the relations of the imperial and Canadian governments has presented no acute crises; Canada as time went on asserted her desire for further concessions of authority, which have with due circumspection been granted, though some minor points are still outstanding. These developments Dr. Kennedy describes with judicial impartiality and adequate fullness, though perhaps an allusion might have been made to the great controversy over copyright legislation, which raged in the period from 1890. It may be noted also that imperial legislation for Canada is still possible, even in matters not affecting the constitution which can only, as a compact of the provinces, be changed by this means; thus the alterations in the law of British nationality effected in 1922 are enacted for the whole Empire, though, of course, with the assent of the dominion. The interrelations of the dominion and the provinces raise many complex problems, and special interest attaches to Dr. Kennedy's careful argument (pp. 415-30) in favour of the view that disallowance of provincial legislation on grounds of expediency, as opposed to unconstitutionality, is contrary to the principles of federal government.

A. BERRIEDALE KEITH.

## *Short Notices*

Little is known of Richard the Poitevin, and Dr. Ingeborg Schnack in *Richard von Cluny, seine Chronik und sein Kloster in den Anfängen der Kirchenspaltung von 1159* (Berlin : Ebering, 1921) has added perhaps little that is beyond dispute. From the local details which he inserts into his chronicle we have reason to believe that Richard was a native of the county of Aunis ; that he visited England and came into contact with Henry, bishop of Winchester, we can gather from the laudatory poems on this subject which have been attributed to him and which were printed by Wattenbach in the first number of the *Neues Archiv*. All else is more or less conjectural. Professor E. Berger of the École des Chartes, who was the first to make a systematic study of Richard's work,<sup>1</sup> was of the opinion that the chronicler lived and wrote in the Cluniac priory on the island of Aix. This Dr. Schnack disputes, arriving from internal evidence at the conclusion that Richard was a monk of Cluny and that it was in the monastery itself that he wrote the greater part of his chronicle ; but beyond the fact that one version of the chronicle was dedicated to Abbot Peter the Venerable there is nothing which points very directly to the abbey as the scene of the writer's labours. Dr. Schnack has examined the manuscripts and has compared the various versions of the text with great care and ability, and on several points has reached conclusions different from those of M. Berger. The contents of the chronicle, which is mainly a compilation from earlier sources, are not of great historical value, and are chiefly of interest as one of the main sources of the famous chronicles of the Dominicans Martin of Troppau and Bernard Gui. Worthy of special notice is Dr. Schnack's last section, which is devoted to the development of ideas and outlook in the college of cardinals during the twelfth and thirteenth centuries. This is based on a study of the catalogue of popes with which Richard concludes his chronicle and which perhaps has hitherto received too little attention.

A. L. P.

The fourth volume of the *Calendar of Close Rolls* of Richard II covers the thirteenth, fourteenth, and fifteenth years of his reign (1389-92), and is the work, as before, of Mr. W. H. B. Bird. The period is interesting as embracing the early part of Richard's 'constitutional' government after the shock of 1386-8, but the class of documents which is enrolled on the Close Rolls is not apt to throw much light upon secrets of state. The country had now a truce with France, but all was not well with it. In

<sup>1</sup> *Richard le Poitevin, moine de Cluny, historien et poète*. Bibl. des Écoles d'Athènes et de Rome. Fascicule 6, 1879.

the autumn after Richard's emancipation in May 1389, the wages of the garrison of Calais were so far in arrear that the men were purposing to withdraw thence, to the peril of losing the town. Later, food prices rose so high that poundage was not charged on imported corn and other victuals. In May 1391 the guardians (justices) of the peace and the justices of oyer and terminer in forty counties and tithings were rebuked for the disorderly conditions prevailing in their areas. References abound to the proceedings against the king's friends in 1388, but they almost all refer to the disposal of the forfeited lands of those condemned by the Merciless Parliament, and tell us little or nothing as to Richard's feelings on this subject. The negotiations of 1391 for a personal interview between him and Charles VI for the conclusion of a permanent peace went so far that shipping was requisitioned from the Cinque Ports (p. 259), but we do not learn why the meeting was put off and did not take place until five years later. William Mildenhale's voluntary confession in December 1391 that his deceased father had said that the king was not able to govern any realm, wishing that he were in his gong (*latrina*), where he might stay for ever without further governing any, and that he could easily with a dozen men take and carry him off (p. 527), would be more interesting if the date of this outburst had appeared. The Mildenhales were Londoners, and one would have liked to know whether the father voiced at least one element of London opinion just before the fierce quarrel between the king and the citizens in 1392, with which a number of documents calendared here are concerned. Among matters of more miscellaneous interest are an order to deliver certain heretics to the bishop of Salisbury (p. 4), a conference of collectors of customs (p. 13), a tax on the clergy levied on the sole authority of the archbishop of Canterbury and his suffragans (p. 27), impressment of goldsmiths for the king's service (p. 205), the appointment of municipal justices of the peace in Oxford (p. 208), the abuse of foreign degrees and graces by Dominican undesirables (p. 217), the position in palatinates of lands forfeited by treason (p. 221), the strained relations of the bishop of Ely with the university of Cambridge (p. 427), and the last of two old stories, the bankruptcy of the Bardi (p. 505) and the Scrope and Grosvenor case (p. 518). Of the routine enrolments the replacement of coroners on the ground of age, infirmity, insufficient qualification, &c., and writs of *supersedeas* of judicial proceedings seem very numerous, especially the latter. From an interesting record on p. 239 it appears that 'weir' was no longer a correct translation of 'kidellus', being reserved for 'gurges'. In the full and careful index supplied by Mr. Isaacson, the only point open to criticism that we have noticed is the occasional omission of a reference in the subject entries, e.g. under 'chantries' the letters of foundation of a chantry in the church of Over, Cambridgeshire (p. 358), under 'ancient demesne' mention of its privilege of freedom from tolls, &c. (p. 365), and under 'coroners' a passage on p. 554. J. T.

Although primarily concerned with legal and modern problems, Mr. Izak Prins collects in his pamphlet *Het Faillissement der Hollandsche Steden: Amsterdam, Dordrecht, Leiden en Haarlem in het Jaar 1494* (Amsterdam: van Looy, 1922) a number of references which bring out clearly

one aspect of Burgundian rule in the Netherlands, the difficulty found by the towns in meeting their obligations, especially to the holders of annuities. Some of his suggestions will be of use to economic historians. O.

Each new part of *Les Sources de l'Histoire de France* is very welcome. M. André tells us in his preface that the third volume on the seventeenth century, *Biographies* (Paris: Picard, 1923), was ready for printing in 1914, but, during the unavoidable delay of nine years, has been completed up to the early months of 1922. The entries are not far short of two thousand, and include both collections and individual biographies, amongst them even some discreetly chosen funeral orations. It is unnecessary to say that the work is done with the accustomed thoroughness, and that it will take its place amongst indispensable books of reference. P.

Among the many elements that have contributed to the formation of the American national character none has been more potent than the influence of New England. The men of the Puritan colonies shaped themselves almost deliberately into a different mould from that of the England whence they came, and their work has left a lasting mark. The history of the critical years forms the subject of a most interesting volume by Mr. James Truslow Adams, *The Founding of New England* (Boston: Atlantic Monthly Press, 1921). This does not profess to be a presentation of the results of its author's original investigations, but it differs widely from a mere recapitulation of long familiar facts upon traditional lines. Mr. Adams has an intimate knowledge of the considerable literature in which the results of nearly forty years of investigation into New England history have been recorded since J. A. Doyle produced his volumes on the Puritan colonies. This knowledge he has utilized to give us a new treatment of the story, which not only presents a most readable and lively narrative of events in the colonies, but places those events in their true setting in relation to the empire as a whole. His book is therefore not merely of interest to those concerned with American or colonial history. It is in a very real sense a contribution to English history, for it shows how fresh religious and political ideas, new economic factors shaped by geographical circumstances, and the unprecedented conditions of a frontier community turned the minds of statesmen on both sides of the Atlantic towards a new outlook on the problems of government. The present study covers the period of origins from the first contact of Englishmen with Norumbega in the later years of Elizabeth through the period of the Great Exodus to the final overthrow of the oligarchic and theocratic régime in Massachusetts and the definitive establishment of imperial control by the charter of 1691. In subsequent instalments the author promises to continue his study of the relations of New England with the other portions of the empire and with the mother country through the less known Hanoverian period. His work is of peculiar value to the student because every important statement is justified by copious and scholarly references; it commends itself to the general reader by its freshness of outlook and competent handling of the results of recent research. The book is a most valuable contribution to historical literature. A. P. N.

Dr. Carl Ballhausen's book *Der Erste Englisch-Holländische Seekrieg 1652-4 sowie der Schwedisch-Holländische Seekrieg 1658-9*, part i of a still larger work embracing the Anglo-Dutch wars of 1652-74 (The Hague : Nijhoff, 1923), is prefaced by its Dutch publisher with the remark that, besides the advice of one of the best authorities on Dutch naval history, it has been the 'enorme massa materiaal' which decided him to publish it in spite of the slightly diverging Dutch 'opvatting van geschiedschrijving'. This is rendering very politely indeed what the historical scholar, suffering from the present limitations of publication, may feel inclined to express as a regret that 804 pages of perfect paper and beautiful print should have been devoted to what may at best be compared to a Renaissance dissertation *de omnibus rebus et quibusdam aliis*. It is, of course, not easy to prove such a statement in the space of a few lines, while on the other hand it would hardly be worth the reader's while to do so at length. Suffice it to say that in an apparatus of, on an average, ten foot-notes to the page, the author gives (p. 52, n. 8) no less than two quotations for the fact that 'Grossbritannien hat seinen Nachbarländern gegenüber grosse geographische Vorteile, weil es rings vom Meer umgeben ist'; that a general chapter on 'Der Handel' contains, by way of bracketed explanations after the names of trade routes and articles, whole abridgements of colonial history, botanical nomenclature, and industrial technique; that even in the treatment of naval warfare and technique, apparently the author's professional domain, common modern schoolbooks are as patiently and lengthily cited as contemporary literature; that in spite of a reference list of fifteen pages in close small print not the most ordinary authority is quoted without full title, place, and date of publication. In sum, the book seems deficient in the very elements not only of historical composition, but even of historical research and conception.

C. B.

The late Comte le Nepvou de Carfort made during his lifetime some minor contributions to the biography of the greatest of the corsairs of St. Malo. His posthumous *Histoire de Du Guay Trouin* (Paris : Plon, s. a.) covers the whole subject, but stops short of the capture of Rio: the materials which had been collected for a second volume are to be used by M. Charles de la Roncière for his general history of the French navy. The work as it stands is, however, no mere fragment, since the period covered is, in a way, complete in itself. The author has made much use of the Archives de la Marine and of those at Brest and St. Malo, from all of which he prints a number of documents, adding several which were in his own collection. In general his researches confirm the accuracy and authenticity of his hero's memoirs. Besides correcting in several points his own earlier conclusions and those of Dr. Corre and the Abbé Poulain, he gives much interesting information about privateering in that time, especially about its financial side. Himself an experienced sea-officer, he is able to add many valuable incidental comments and explanations in matters both of combat and of navigation.

G. N. C.

Discipline in European armies in the eighteenth century did not err on the side of laxity, and the French army before the Revolution was no

exception to the rule. Its disciplinary system with its savage punishments, which is described by M. G. Michon in *La Justice Militaire sous la Révolution* (Paris : Alcan, 1922), was such that fundamental changes under the Revolution were inevitable. The history of the administration of justice in the army during the era of the Revolution is obviously closely connected with that of the political changes and developments in Paris, and the attempt by the constituent assembly and the convention to regulate military discipline on the principles of the Declaration of the Rights of Man was followed after the fall of Robespierre by a certain amount of reaction. M. Michon, whose sympathies are obviously reserved for the democratic experiments of the convention, gives a clear and well-arranged account of the ever-changing legislation of the revolutionary governments on military matters, but he permits himself to make repeated references to modern politics which in a detailed study of this type are a little out of place. Q.

In the first volume of his *Fichte et son Temps* (Paris : Colin, 1922), M. Xavier Léon paints the first full-length portrait of a man scarcely less eminent in the history of Germany than in the history of philosophy. The first massive volume of 600 pages brings the story down to 1799, when Fichte was thirty-seven. The admirable analysis of his philosophical and religious writings and of his relation to Kant does not concern us here ; but the discussion of his eloquent pamphlets on political theory should not be missed by students of the repercussion of the French Revolution on the German mind. It is, however, as the first adequate biography and psychological interpretation of the philosopher of liberty that this volume is particularly welcome. The author has been permitted by Fichte's grandson to use his unpublished papers, and he has constructed an arresting narrative of the rapid rise to fame of the young professor who took Jena by storm in 1794 and was dismissed on the charge of atheism in 1799. If we at first wonder why a French scholar should devote the best years of his life to the study of a German thinker and patriot, we quickly discover that among the sources of attraction is the fact that his hero was throughout life the disciple and fervent apostle of the French Revolution. 'La vie de Fichte,' he writes, 'c'est l'apprentissage de la liberté.' He learned it from France and taught it to his countrymen. The cosmopolitan grew into the patriot ; but his patriotism was not of the ordinary kind. 'It consisted in wishing to transfer to the German nation the guardianship of the ideal which the French Revolution proclaimed and Napoleon profaned—the gospel of liberty.' Germany was to be the educator of humanity, as France had been before her. It was a noble aim, and the preacher was worthy of his gospel. 'He was the philosopher who completely lived his philosophy.' M. Léon is well aware of the faults of his fiery and autocratic nature, but he is abundantly justified in presenting him as a priest of the ideal. The next instalment of this comprehensive and scholarly work will show the prophet busied with the duty of rebuilding Prussia after the catastrophe of Jena, and summoning his countrymen to the tasks of education, citizenship, and patriotism. G. P. G.

The first volume of *La Constitution Civile du Clergé et la Crise Religieuse en Alsace (1790-5)*, by M. Rodolphe Reuss (Strasbourg: Istra, 1922), was noticed in the April number of this Review.<sup>1</sup> The second volume is described on the title-page as covering the period from 1793 to 1795, but in fact nearly half of it is devoted to the events of the year 1792, and the greater part of the remainder to those of 1793. During the former year, the political cleavage between the two catholic churches in Alsace became more and more marked, the refractory clergy basing their hopes on the Counter-revolution, while the constitutional clergy became increasingly identified with the extreme revolutionary party. But although after the establishment of revolutionary government, both central and local, the radical clergy received individually their reward, the constitutional church, which had never won the loyalty of the people, ceased to have official support or even sanction. When in 1793 all religions were proscribed, juring and non-juring catholics, protestants, and Jews, all had the same treatment from the worshippers of the goddess of reason. When in 1794, the fall of the Robespierrists produced a reaction in favour of liberty of worship, legalized by the decree of 3 Ventôse (21 February 1795), the constitutional church in Alsace may be said to have ceased to exist. M. Reuss considers that when the non-juring priests returned from hiding or banishment, having learnt nothing and forgotten nothing, their attitude lost them a real opportunity for reconciliation with the civil authorities. But the anti-clerical reaction which followed lies outside the scope of his present study, which is to show the struggle of the clergy of the *ancien régime* first against the constitutional monarchy of 1790 and then against the constitutional church. The book concludes with a good index of places and persons, and the new faculty of letters of the university of Strasbourg, as well as the author, is to be congratulated on its form as well as its matter.

M. A. P.

In *La France du Directoire* (Paris: Plon, s.a.) M. Louis Madelin has published five lectures which he delivered in 1922 before the 'Société des Conférences'. Both in form and substance they are worthy of the exacting standard of the French school of historians; but it should be remembered that they are frankly popular lectures and do not pretend to be any work of research. But they are stimulating reading, and the sketches of Barras, Sieyès, La Reveillère ('whose nature was that of an anti-pope'), and 'Her Serene Highness Mme Cabarrus' are admirable. Much of the book is but a summary of what M. Madelin has already published in his *Révolution*; but the ease with which the facts are marshalled and the lessons pointed out betrays a thorough familiarity with the life and times of 1795-9. The anti-Napoleonic school of French historians will find much to disagree with in M. Madelin's remarks; but it is difficult, without gross special pleading, to deny the justice of his query where, in that debauch of arbitrary government and tyranny called the Directory, was there anything worthy of the name of a commonwealth. M. Madelin rightly emphasizes the importance of ecclesiastical affairs in these years, but one who shows a laudable knowledge of the Vulgate should not print

<sup>1</sup> p. 288, above.

such a sentence as this : ' considérant les belles pierres taillées qui encombre le quai, un homme à jeun crie douloureusement le mot des apôtres au Christ : *Dic ut lapides istae panes fiant.*'

L. G. W. L.

The fourth part of the first volume of the publications of the Historical Commission of the Polish Society of Friends of Learning at Poznań is Mr. A. M. Skałkowski's *Polacy na San Domingo* (Poznań : University Press, 1921). San Domingo is a name of evil sound to the Pole. The island is the scene of one of the most tragic scenes in the tragic history of nineteenth-century Poland. Formed on Italian soil after the downfall of the Polish kingdom, the Polish legions faithfully served first the Italian vassals of revolutionary France, and then the Corsican autocrat, always hoping, as their soldiers' song says in its refrain, that they would finally march, with their General Dabrowski at their head, from Italy to Poland, and become reunited to the nation. Few only were so happy as to enter Poland after ten years of campaigning abroad : the majority perished in Napoleon's various expeditions. The San Domingo tragedy was a by-product of the peace of Lunéville. The inconvenient Polish legions were to disappear from the scene by entering the service of the Florentine prince. This arrangement being opposed by both parties, and Napoleon's thoughts turning then on plans of a colonial empire, he finally disposed of a large part of the Poles by sending them, reorganized as regular French troops, to reconquer the island of San Domingo. This was the best of France's former West Indian possessions, rich in sugar-cane and coffee, cotton and indigo. The French Revolution had destroyed French wealth and power in that part of the world by enfranchising the negroes. Slavery had to be imposed upon them again. The attempt was resisted by armed insurrection, and the resistance supported by Great Britain. The record of the guerrilla warfare for the possession of the island is a ghastly tale of failure and unspeakable suffering. The Polish soldiers who did not succumb to that principal scourge of the place, the yellow fever, or fall in fights against the ambushed natives, became prisoners to the English and were used as labour on the sugar-plantations of Jamaica, or incorporated in British colonial troops, or kept in hulks till the end of the Napoleonic period. Not quite a hundred men out of several thousand returned to their country. Professor Skałkowski has followed the pathetic story into all its details on the basis of research into a vast mass of manuscript records. He has traced the fate of almost every individual of any importance in the ranks of the ill-starred expedition. His familiarity with this branch of Polish military history had been brilliantly manifested before by his French monograph *Les Polonais en Égypte*, by a Polish study on The Cockade of the Legions, and a popular book on that most chivalrous figure of the time, Prince Joseph Poniatowski. R. D.

Dr. G. W. Eybers has edited a volume of *Bepalingen en Instructien voor het Bestuur van de Buitendistricten van de Kaap de Goede Hoop (1805)* (Amsterdam : Müller, 1922) which contains the text of the regulations for the administration of the country districts of the Cape issued by Governor Janssens and Commissary-General De Mist just before the Cape

was again captured in January 1806 by a British force. These regulations were intended to introduce a more liberal system, and are of considerable importance in South African history. The first part consists of instructions to the landdrost, who, if he carried out all his administrative and judicial work, his duties in connexion with a land register, with agriculture, stock-raising, education, and natives (the references to whom are concerned in a liberal and humane spirit) and various other matters, was an extremely hard-worked official (Articles 1 to 98). Instructions to the board of landdrost and heemraden (Articles 112-37) follow, and to secretaries, field cornets, and various subordinate officials. The text is preceded by three introductory chapters, one by the late Professor Fockema Andreae on the administration of rural districts in Holland, one by Dr. S. van Brakel on the administration of the country districts of Batavia, and the third by Dr. Eybers, which serves as an introduction to the text and insists strongly on the importance of the growth of local self-government at the Cape and on the disastrous nature of the mistake made by the British government in subsequently sweeping away the landdrost and heemraden. These introductions fill nearly half the volume, and parts of them have a somewhat remote bearing on the instructions of 1805. H. L.

Professor Guy Stanton Ford in his interesting, well-arranged, and not very lengthy volume, *Stein and the Era of Reform in Prussia, 1807-15* (Princeton : University Press, 1922), has adequately carried out the purpose explained in his preface. He surveys the results of recent contributions to the subject, especially Professor Max Lehmann's biography and the controversial literature which followed it, and he puts several important matters, especially Stein's agrarian policy, in a truer perspective than Sir John Seeley. He does not offer independent solutions of the contested questions, such as that of Stein's relation to French principles, but his foot-notes form a convenient guide to the works in which they have been discussed. His book should be widely useful, and to readers who have no German much of its contents will be new. R.

Professor Eris O'Brien, in the *Life and Letters of Archpriest J. J. Therry* (Sydney : Angus and Robertson, 1922), has made a sympathetic study of a man whose first care in life was the protection of the poor. Father Therry—virtually the first Roman catholic priest to be recognized in Australia—had no great mental gifts and little power of organization ; but he possessed a rough graciousness of character, a love of justice, and a strength and energy which were always at the service of those who suffered most from the unreadiness of the governing classes of the nineteenth century to face the problems of crime and punishment. Mr. O'Brien has reprinted, and occasionally reproduced in facsimile, a great deal of Father Therry's private and official correspondence. He has added a number of excellent and interesting illustrations. His own account of Father Therry's work is honest and well balanced. If he is sometimes a little blind to the faults of laymen such as Father Therry's namesake, Roger Therry, he is occasionally a little too severe on Father Therry himself. Father Therry brought with him the tradition of the southern Irish ; his ceaseless quarrels with the

government were an inevitable consequence ; and these quarrels in their turn developed in him the habit of resisting every kind of authority. This book must be of great value to the student of Australian social history. It also throws light on one of the most dreary periods in the official history of the Anglican church, and indeed in the history of England. A future historian will surely date almost to a decade the official refusal of a particular site to Father Therry on the ground that ' if he built a church there, he would have all the poor in the city paraded before the governor as he was going to church at St. Phillip's [*sic*] '. E. L. W.

Professor N. Jorga's suggestive little book *Formes Byzantines et Réalités Balcaniques* (Bucarest—Paris : Champion, 1922) presupposes in the reader a great knowledge of that complicated history of the Near East which its author knows so well. But for specialists it possesses great interest, even if they cannot always agree with the theories advanced. For the author puts forward numbers of hypotheses for the facts of Byzantine history, and his personal acquaintance with south-eastern Europe enables him to perceive the importance of geography there. Thus he thinks that Constantine made Constantinople his capital, because he wanted a seaport, and that the Balkan peninsula had little value for the Byzantine empire, except the Dalmatian coast and the Danube. Similarly, he considers that Venice wanted the eastern coast of the Adriatic to secure the liberty of that sea, menaced by the Slavs. He rejects Zlatarski's theory that there were Bulgarians in the Balkans as early as the fifth century, and believes the Macedonian empire of Samuel to have been Wallach, Albanian, and Slav rather than Bulgarian. He justly points out the great influence of Naples and Venice in the Near East during the thirteenth century, and emphasizes the last resistance of the Latins to the Turkish invasion. Having had experience of practical politics, he makes striking comparisons between medieval and modern Balkan history. Byzantium hounding on the Russians against the Bulgarians finds a parallel in Austria's double device of making mischief between Serbia and Bulgaria in 1885 and 1913 ; the position and unpopularity of the Venetian and Genoese colonies at the Byzantine capital remind him of the similar situation of the Armenians there under the Turks ; the Byzantine practice of bestowing the title of ' Despot ' upon Slav princes suggests the modern custom of decorations bestowed for a similar reason ; Epeiros, Nicaea, and Trebizond in the thirteenth century are happily described as ' the Coblenz of expelled legitimacy ', and the relations between Belisarius and Justinian are explained to a French audience by those between Charles V and Duguesclin. Besides a few typographical mistakes, by a slip Demétrios Chomatianós is described (p. 152) as ' Greek Patriarch ' : he was archbishop of Ochrida. Nor is it true to say that the Nicene empire had no fleet (p. 161). Vatatzes made naval expeditions against Rhodes and Crete, and the year after the recovery of Constantinople Michael VIII obtained a valuable recruiting-ground for his marines at Monemvasia. W. M.

Mr. William Senior seems to have found some difficulty in choosing the title of his *Doctors' Commons and the Old Court of Admiralty* (London :

Longmans, 1922). It is not a history of Doctors' Commons, for little is said about the ecclesiastical side of that body and three of the five chapters deal with the period before its foundation. Nor is it a history of the composition and functions of the court of admiralty. Its scope is better indicated by the sub-title, *A Short History of the Civilians in England*. In a little over a hundred small pages the author surveys the influence of civilians and their relations with common lawyers. To the familiar literary authorities he adds a considerable number of references, mainly from the Record Office publications, and, though his compact method of treatment precludes any elaborate discussion, he finds room for several interesting suggestions and conjectures about the causes of the alternate waxings and wanings of the power of the civil law in England. S.

Many students of local history will envy Mr. Uvedale Lambert the completeness which he has been able to give to his *Blechingley: a Parish History together with some Account of the Family of de Clare* (London: Mitchell, Hughes & Clarke, 1921). The two substantial quarto volumes are handsomely illustrated, not only with views and portraits, but also with facsimiles of several documents and several old estate maps. The tithe-award map is even reproduced on the generous scale of about six chains to the inch, with the addition of a number of field-names, suitably distinguished, from other sources. This is typical of the author's methodical industry. A good deal has already been written about the parish and borough of Blechingley, and Mr. Lambert makes full use not only of the work of his predecessors but also of a great number of documents in private possession and in the Public Record Office, many of which he prints in full. His texts bear every mark of skilled and careful transcription. He does not, indeed, write for a narrow circle of specialists, but allows himself some leisurely reflexions on the general national history of which his subject is a fraction. In these digressions, and more particularly in dealing with the earlier periods, he tends to reproduce theories which are no longer accepted, but it is not difficult to distinguish these from his own discoveries and inferences. Occasionally he seems reluctant to admit how discontinuous his information necessarily is. The sections on the family of Clare, though not free from the same blemishes, have a more than local value, and the strictly local chapters are at once readable and packed with information. The subjects most fully treated are the ownership of property and the history of the church, but on many other topics, for instance on the parliamentary representatives of the borough, there is new and useful matter. T.

Dr. J. Maitland Thomson's study of the *Public Records of Scotland* (Glasgow: MacLehose, 1922) will afford welcome aid to the student of Scottish history. In Scotland the official archivists have borne more than their share of the burden of research, but their work, though always scrupulously exact, has sometimes lost in value owing to the absence of the comparative method and the presence of baffling technical terms. It is therefore most satisfactory to have, from the pen of one of Scotland's archivists, a volume which not only states precisely what the records of

Scotland are and where they are to be found, but which also submits the whole system of Scottish record-keeping to a critical survey and brings it into relation with English practice. It is interesting to note how many ideas were imported by those monarchs who, by ill or good fortune, came to sojourn south of the Tweed. It was David II who introduced into Scotland the 'Signet' which had come into use in England under Edward II; and the tradition (cited by Sir Thomas Craig) that the English 'Order of Chancery' was introduced by James I seems to be supported by the available evidence. Certain it is that under James I the Register of the Great Seal ceased to be a roll and became a book, and that under James VI there appeared the 'Register of Sasines', which was founded on an English precedent, an act of 1536 (usually evaded by the English lawyers). It seems probable, too, that the provincial council of 1552, when it ordered the keeping of a register of births and marriages, was copying the English model. What of French influences? Dr. Neilson, in his introduction to the *Acta Dominorum Concilii* (1918), has suggested that the institutions of France, England, and Scotland have more in common than has usually been realized, and it is to be regretted that Dr. Thomson has not been able to develop this theme. But, as he explains, ill health has prevented him from making substantial alterations in his book since it was first compiled—as the Rhind Lectures—in 1911, and this is to be the more regretted because the author, in the light of recent presentations of English constitutional history, might have discussed more boldly the vexed relations of council, parliament, 'articles', and 'auditors'. As it is, his remarks are extremely interesting. For the archivist, untrammelled by too much constitutional theory, the records of parliament are frankly 'legal records'. But in view of the modern insistence on the conciliar and judicial origins of parliament, the author might have been less inclined to insist on the distinction between the 'articles' and the 'auditors' which were parliamentary committees, and the privy council and the session which were not. The evidence is confusing, and a pronouncement from Dr. Thomson (one of the few fit to attempt it) would have been invaluable. It is possible that a study of Miss Theodora Keith's article<sup>1</sup> might have led the author to revise his opinion as to the 'Hans' of Aberdeen, and the relation of the Convention of Royal Burghs with the Court of the Four Burghs. But as it stands the book is of the highest value and admirably supplements Livingstone's *Guide to the Public Records of Scotland* (1905), to which Dr. Thomson pays a generous tribute.

J. D. M.

A new study of the palaeography of Austrian and Hungarian documents has been produced by Dr. Stefan Hajnal, librarian of the Esterhazy library at Kis-Marton, with the title *Írástörténet az Írásbeliség Felújulása Korából* (Budapest, 1921). It is much to be regretted that the text will be inaccessible to most western readers, for the twenty-three plates with which the book is illustrated, besides some woodcuts, and the brief epitome in German which he appends, promise much of interest. Passing over the period in which there is little or no effort after uniformity, he deals

<sup>1</sup> *Scottish Hist. Rev.* x. 384.

in detail with the documents of the twelfth and thirteenth centuries, in which suddenly there is a stereotyping of forms. This he traces to the influence of the universities, especially of the university of Paris, whose Austrian and Hungarian students brought back to their own lands the forms and styles of writing which they had learnt there. His plates are designed to exhibit this, by a series of carefully selected illustrations of passages from French documents put side by side with similar passages from contemporary documents at Vienna and Budapest, which show in each decade or quarter of a century similar forms of letters, abbreviations, and styles of writing.

P. S. A.

.It is not our custom to notice in detail the contents of the *Scottish Historical Review*, because its scope and its high merits are equally well known to all our readers; but the completion of its twentieth year of publication is an event which must not pass unnoticed. In a modest editorial note Mr. MacLehose emerges from his anonymity to thank his contributors: to them and to him we add our thanks and best wishes for the future.

U.

The first number of the *Bulletin of the Institute of Historical Research* (London: Longmans, 1923) has thirty-six pages of very varied contents. An introductory announcement explains that it is to appear three times a year and to communicate to historical students some indication of the activities of the Institute of Historical Research of the university of London. Next comes an elaborate report drawn up by a committee, of which Mr. A. G. Little was chairman, on the methods of transcribing and editing historical documents. Rules are given for making accurate transcripts, but for editing, as is reasonable, only principles are suggested. These show traces of compromise between an extreme advocacy of exact reproduction and a more lax or liberal view, but they are expressed with such reservations that they may be most warmly recommended to any intending transcribers or editors who are, as all but experienced workers must be, in any doubt about the methods of their crafts. The concluding sections of the report, on terms used in describing documents and on descriptions of English seals, deserve special mention. After the report comes a summary notice of 'Recent Acquisitions and Facilities in the Public Record Office', followed by a few paragraphs of 'Notes and News', an obituary notice of Professor Alexander Savine, and a page of corrections for the *Dictionary of National Biography*. These relate to nine different lives from several different centuries, and are arranged alphabetically. Some anonymous notes on training in historical research are followed by epitomes of two London degree dissertations, one (by Miss Ruth Bird) on civic factions in London, 1376-99, the other (by Miss M. E. Clark) on British diplomacy and the recognition of Louis Napoleon. The number concludes with some brief notes on the migrations of manuscripts and some queries. The new venture has our cordial good wishes.

V.

The twenty-third volume (no. lxxi) of the *Proceedings of the Cambridge Antiquarian Society* contains a full and illustrated study by Mr. Cyril Fox

S S 2

of the Anglo-Saxon monumental sculpture in the Cambridge district. In this the conclusion is drawn that a well-defined school of art, confined almost entirely to the eastern counties, flourished from about 970 to 1066 or possibly a little later. Mr. R. Morton Nance's paper on 'Killicks' is still more definitely archaeological; but Dr. H. P. Stokes's careful study of Cambridgeshire 'Forests' will be of service to the general historian.

W.

The *Law Quarterly Review* for April (vol. xxxix, no. 154) contains several items of interest to historical students. Sir Frederick Pollock, in 'A Plea for Historical Interpretation', disputes Dr. Roscoe Pound's views that the historical school dominated the interpretation of English law in the first half of the nineteenth century and has now ceased to do so. The reign of the historical school began in the later half of the last century and is by no means over. Mr. Bellot describes the various plans for the disposal of Napoleon after the battle of Waterloo and analyses the difficulties with which the English government was faced when the French refused to treat him as a rebel. In an article entitled 'Law and Order in a Mediaeval Town' Mr. Malcolm Letts comments in an interesting way upon the government and social conditions of Bruges in the fifteenth and sixteenth centuries. Finally Mr. E. R. Adair contributes a note upon the appointment of Thomas Derbye in January 1533 as first Clerk of the Privy Council in its select administrative sense. The July number of the *Review* is concerned with legal matters, but reference may be made to the lecture by the late Professor Geldart upon the 'Law of Property Bill and the Teaching of Law'.

F. M. P.

The number of historical books is so great and the division of labour among historians has been carried to such a point that there is a definite need for specialized historical periodicals. The *Revue des Études Napoléoniennes* gives a new proof every two months that this need can be met by periodicals which appeal not only to specialists but to a wide public. With many excellent illustrations and without too many foot-notes it gives very readable articles and very thorough reviews, and everywhere it shows the characteristic vigour of its director, M. Édouard Driault. Amongst the contents of the five numbers already published in 1923 several articles deserve to be picked out. M. Driault himself prints his general survey of Napoleonic studies read at the Brussels Historical Congress; M. Lacour-Gayet describes Napoleon's voyage to Egypt; M. Charles-Roux deals with Egypt in 1801-3, M. Albert Pingaud with the first kingdom of Italy. There is an article by the late M. Masson on the *affaires* Beccdelièvre and Duchatellier. Numerous slighter contributions, not all confined to the period of the first Napoleon, combine to make up a body of most useful matter.

X.

In the *Archivio Veneto-Tridentino*, vol. ii of 1922, Signor A. Battistella gives the first instalment of an account of the naval war in the Adriatic between Venice and Spain in 1617-18, a campaign hitherto little studied. Signor G. Oberziner in an address maintains the Italian character of

Tridentine history, and Signor C. Battisti brings forward reasons to show that Dante considered (*Inf.* xx. 61-3) the main ridge of the Alps as the frontier of Germany and north-eastern Italy. C. W. P. O.

Historical scholars have by this time become familiar with the excellent bibliographies of current literature prepared for the *Revue d'Histoire Ecclésiastique* published by the university of Louvain. They will welcome the additional volume of the review (volume xvi) which is devoted to the bibliography of the war period 1914-19 (1923). Much has already been done to classify the considerable output of these years, but this volume of 350 pages is more comprehensive and useful than any previous attempt. The entries, more than 6,000 in number, are arranged according to the plan adopted for the quarterly bibliographies, which are added to each number of the review. It is a pity that the editors have not inserted in this extra volume the key to the symbols by which they distinguish the numerous historical periodicals; the initials of many of them are not familiar and it will be troublesome to have to refer for their explanation to some volume of the review proper. Otherwise we have nothing but praise for this excellent and laborious piece of work, so appropriately dedicated to the memory of the late editor, Alfred Cauchie. F. M. P.

The April number of the *Revue d'Histoire Ecclésiastique* (vol. xix, no. 2) contains the last part of Father Ghellinck's study of Richard de Bury. In these sections of his important paper the learned author comments upon those sections of the *Philobiblon* which especially interest the bibliographer—relating to the collection, purchase, price, access to and care of books in a medieval library. Father Ghellinck's paper was written independently of Axel Nelson's authoritative edition of the *Philobiblon* (Stockholm, 1922) and succeeds, with this edition, in placing the famous little book of the great bishop of Durham in its proper setting in the literary history of medieval Europe. F. M. P.

In the ninth volume of the fifth series of the *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, besides the continuations of articles by Dr. J. C. H. de Pater and Mr. J. E. Elias, are several important contributions to Dutch history. Dr. Blok points out that the annotations in the manuscript of Frederick Henry's Memoirs in the Royal House Archives are by the hands of the prince himself and of Huygens. Dr. Japikse discusses, in the light of the six volumes of resolutions of the states-general which he has now edited, the important instructions to the council of state in 1588. Dr. J. D. Hintzen carefully analyses the historical value of the greater chronicle of John Gerbrandi a Leydis, and Mr. R. Fruin writes on the local origin of the so-called 'Notitia vel Commemoratio de Illa Ewa quae se ad Amorem Habet'. But economic history is the favourite subject. Dr. Z. W. Sneller gives an account of the development of Holland's trade with France down to the beginning of the fifteenth century, based on the documents which he is editing for the official record series. Dr. E. C. G. Brünner recommends a more critical use than has been made by some historians of the registers of shipping at the Sound published by

Nina Ellinger Bang. Dr. E. M. A. Timmer writes about Delft and its beer. There is human interest, and some matter for the student of educational history, in Dr. Géza von Antal's description of the diary of an eighteenth-century student at Leyden and Dr. Geyl's story of the upbringing of an eighteenth-century Bentinck. G. N. C.

The second volume of the ninth series of the Danish *Historisk Tidsskrift* is mainly devoted to articles dealing with recent times. The medieval period, however, is represented by a very full study of the diplomatic features of a royal charter of 1085, by A. Köcher. 'A merchant's marine insurance and piracy in the sixteenth century', by Chr. Thorsen, gives interesting particulars relating to the Reval merchant Godschalk Remblingrode, who in 1513 had insured his ship, and being unable to obtain payment of the insurance after its loss, took to piracy as a means to recouping himself. The policy is still extant, and is the earliest evidence for marine insurance in northern Europe. At a later date Remblingrode had connexions with Denmark, of which the article also gives details. 'Peasant proprietors in Fjends Herred', by Svend Aakjær, is a study in the economic conditions of the past, especially in the sixteenth and seventeenth centuries. The eighteenth century is represented by articles on 'Poul Lövenörn in the Russian service, 1707-1712', by A. Tuxen, and 'Bernstoff and Moltke', by E. Arup, the latter forming one of a series of 'Critical Studies in modern Danish History'. Contributions to the political history of the nineteenth century are made by Hans Jenssen, in a full account of the circumstances which led to the issuing of the 'Bondecircular' (an attempt to suppress agrarian unrest) of 8 November 1845, and by P. Lauridsen in studies of the activities of P. C. Koch and Chr. Flor, two of the leading men of Slesvig in the fifties. The obituary notices in part i include brief accounts of Kr. Kaalund and J. Lindbæk. One interesting article, 'Notes on Josephus', by J. L. Heilberg, deserves special attention, as it lies outside the usual scope of the *Tidsskrift*. It deals with the question of the many glaring inconsistencies in the writings of Josephus, and points out that these are clearly due to extensive and uncritical copying from various sources. The two 'Litteraturhefte' (for 1918 and 1919-20), in addition to the valuable lists of historical works, contain some useful reviews (e. g. of books on the early history of the European races, on matters connected with Charles XII, and on the Slesvig question) and a suggestive study of the stages by which Adam of Bremen composed his well-known work. W. A. C.

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